

111TH CONGRESS
2D SESSION

H. R. 5850

AN ACT

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

DEPARTMENT OF TRANSPORTATION

SALARIES AND EXPENSES

•HR 5850 EH

1 fairs; not to exceed \$25,695,000 (reduced by \$175,000)
2 shall be available for the Office of the Assistant Secretary
3 for Administration; not to exceed \$2,240,000 (reduced by
4 \$100,000) shall be available for the Office of Public Af-
5 fairs; not to exceed \$1,683,000 shall be available for the
6 Office of the Executive Secretariat; not to exceed
7 \$1,513,000 (increased by \$100,000) shall be available for
8 the Office of Small and Disadvantaged Business Utiliza-
9 tion; not to exceed \$10,999,000 for the Office of Intel-
10 ligence, Security, and Emergency Response; and not to ex-
11 ceed \$19,663,000 shall be available for the Office of the
12 Chief Information Officer: *Provided*, That the Secretary
13 of Transportation is authorized to transfer funds appro-
14 priated for any office of the Office of the Secretary to any
15 other office of the Office of the Secretary: *Provided fur-*
16 *ther*, That no appropriation for any office shall be in-
17 creased or decreased by more than 5 percent by all such
18 transfers: *Provided further*, That notice of any change in
19 funding greater than 5 percent shall be submitted for ap-
20 proval to the House and Senate Committees on Appropria-
21 tions: *Provided further*, That not to exceed \$60,000 shall
22 be for allocation within the Department for official recep-
23 tion and representation expenses as the Secretary may de-
24 termine: *Provided further*, That notwithstanding any other
25 provision of law, excluding fees authorized in Public Law

1 107–71, there may be credited to this appropriation up
 2 to \$2,500,000 in funds received in user fees: *Provided fur-*
 3 *ther*, That none of the funds provided in this Act shall
 4 be available for the position of Assistant Secretary for
 5 Public Affairs.

6 LIVABLE COMMUNITIES

7 For necessary expenses for livable communities initia-
 8 tives, including coordinating livability and sustainability
 9 work within the Department of Transportation and with
 10 the Environmental Protection Agency and the Department
 11 of Housing and Urban Development; developing perform-
 12 ance standards and metrics; building analytical capacity;
 13 and providing grants and direct technical assistance to
 14 State, local, and non-profit organizations, \$20,000,000, to
 15 remain available until September 30, 2013; *Provided*,
 16 That any grants and technical assistance made available
 17 under this heading shall be for improved performance
 18 measurement capabilities, enhanced ability to perform al-
 19 ternatives analysis, and training and workshops for per-
 20 sonnel.

21 NATIONAL INFRASTRUCTURE INVESTMENT

22 For capital investments in transportation infrastruc-
 23 ture, \$400,000,000, to remain available through Sep-
 24 tember 30, 2013: *Provided*, That the Secretary of Trans-
 25 portation shall distribute funds provided under this head-

1 ing as discretionary grants to be awarded to a State, local
2 government, transit agency, or a collaboration among such
3 entities on a competitive basis for projects that will have
4 a significant impact on the Nation, a metropolitan area,
5 or a region: *Provided further*, That projects eligible for
6 funding provided under this heading shall include, but not
7 be limited to, highway or bridge projects eligible under
8 title 23, United States Code; public transportation
9 projects eligible under chapter 53 of title 49, United
10 States Code; passenger and freight rail transportation
11 projects; and port infrastructure investments: *Provided*
12 *further*, That in distributing funds provided under this
13 heading, the Secretary shall take such measures so as to
14 ensure an equitable geographic distribution of funds, an
15 appropriate balance in addressing the needs of urban and
16 rural areas, and the investment in a variety of transpor-
17 tation modes: *Provided further*, That a grant funded under
18 this heading shall be not less than \$5,000,000 and not
19 greater than \$75,000,000: *Provided further*, That not
20 more than 12.5 percent of the funds made available under
21 this heading may be awarded to projects in a single State:
22 *Provided further*, That the Federal share of the costs for
23 which an expenditure is made under this heading shall be,
24 at the option of the recipient, up to 80 percent: *Provided*
25 *further*, That the Secretary shall give priority to projects

1 that require a contribution of Federal funds in order to
2 complete an overall financing package: *Provided further*,
3 That not less than \$100,000,000 of the funds provided
4 under this heading shall be for projects located in rural
5 areas: *Provided further*, That for projects located in rural
6 areas, the minimum grant size shall be \$1,000,000 and
7 the Secretary may increase the Federal share of costs
8 above 80 percent: *Provided further*, That of the amount
9 made available under this heading, the Secretary may use
10 an amount not to exceed \$60,000,000 for the purpose of
11 paying the subsidy and administrative costs of projects eli-
12 gible for federal credit assistance under chapter 6 of title
13 23, United States Code, if the Secretary finds that such
14 use of the funds would advance the purposes of this para-
15 graph: *Provided further*, That the Secretary may use up
16 to ten percent of the funds provided under this heading
17 to fund the costs of equipping aircraft with communica-
18 tions, surveillance, navigation and other avionics to con-
19 duct a demonstration of NextGen air traffic control capa-
20 bilities through grants or other authorities available under
21 section 106(l)(6) of title 49, United States Code: *Provided*
22 *further*, That of the amount made available under this
23 heading, the Secretary may use an amount not to exceed
24 \$20,000,000 for the planning, preparation or design of
25 projects eligible for funding under this heading: *Provided*

1 *further*, That projects conducted using funds provided
2 under this heading must comply with the requirements of
3 subchapter IV of chapter 31 of title 40, United States
4 Code: *Provided further*, That the Secretary shall publish
5 criteria on which to base the competition for any grants
6 awarded under this heading no sooner than 60 days after
7 enactment of this Act, require applications for funding
8 provided under this heading to be submitted no sooner
9 than 120 days after the publication of such criteria, and
10 announce all projects selected to be funded from funds
11 provided under this heading no sooner than September 15,
12 2011: *Provided further*, That the Secretary may retain up
13 to \$16,000,000 of the funds provided under this heading,
14 and may transfer portions of those funds to the Adminis-
15 trators of the Federal Highway Administration, the Fed-
16 eral Transit Administration, the Federal Railroad Admin-
17 istration, the Federal Aviation Administration, and the
18 Federal Maritime Administration, to fund the award and
19 oversight of grants made under this heading.

20 FINANCIAL MANAGEMENT CAPITAL

21 For necessary expenses for upgrading and enhancing
22 the Department of Transportation's financial systems and
23 re-engineering business processes, \$18,500,000, to remain
24 available until expended.

1 CYBER SECURITY INITIATIVES

2 For necessary one-time expenses for cyber security
3 initiatives, including improvement of network perimeter
4 controls and identity management, testing and assessment
5 of information technology against business, security, and
6 other requirements, implementation of federal cyber secu-
7 rity initiatives and information infrastructure enhance-
8 ments, implementation of enhanced security controls on
9 network devices, and enhancement of cyber security work-
10 force training tools, \$28,188,000, to remain available until
11 expended.

12 OFFICE OF CIVIL RIGHTS

13 For necessary expenses of the Office of Civil Rights,
14 \$9,767,000.

15 TRANSPORTATION PLANNING, RESEARCH, AND

16 DEVELOPMENT

17 For necessary expenses for conducting transportation
18 planning, research, systems development, development ac-
19 tivities, and making grants, to remain available until ex-
20 pended, \$9,819,000.

21 WORKING CAPITAL FUND

22 For necessary expenses for operating costs and cap-
23 ital outlays of the Working Capital Fund, not to exceed
24 \$148,096,000, shall be paid from appropriations made
25 available to the Department of Transportation: *Provided,*

1 That such services shall be provided on a competitive basis
2 to entities within the Department of Transportation: *Pro-*
3 *vided further*, That the above limitation on operating ex-
4 penses shall not apply to non-DOT entities: *Provided fur-*
5 *ther*, That no funds appropriated in this Act to an agency
6 of the Department shall be transferred to the Working
7 Capital Fund without the approval of the agency modal
8 administrator: *Provided further*, That no assessments may
9 be levied against any program, budget activity, subactivity
10 or project funded by this Act unless notice of such assess-
11 ments and the basis therefor are presented to the House
12 and Senate Committees on Appropriations and are ap-
13 proved by such Committees.

14 MINORITY BUSINESS RESOURCE CENTER PROGRAM

15 For the cost of guaranteed loans, \$329,000, as au-
16 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
17 cluding the cost of modifying such loans, shall be as de-
18 fined in section 502 of the Congressional Budget Act of
19 1974: *Provided further*, That these funds are available to
20 subsidize total loan principal, any part of which is to be
21 guaranteed, not to exceed \$18,367,000. In addition, for
22 administrative expenses to carry out the guaranteed loan
23 program, \$584,000.

1 MINORITY BUSINESS OUTREACH

2 For necessary expenses of Minority Business Re-
3 source Center outreach activities, \$3,395,000 (increased
4 by \$225,000), to remain available until September 30,
5 2012: *Provided*, That notwithstanding 49 U.S.C. 332,
6 these funds may be used for business opportunities related
7 to any mode of transportation.

8 PAYMENTS TO AIR CARRIERS

9 (AIRPORT AND AIRWAY TRUST FUND)

10 (INCLUDING TRANSFER OF FUNDS)

11 In addition to funds made available from any other
12 source to carry out the essential air service program under
13 49 U.S.C. 41731 through 41742, \$146,000,000, to be de-
14 rived from the Airport and Airway Trust Fund, to remain
15 available until expended: *Provided*, That, in determining
16 between or among carriers competing to provide service
17 to a community, the Secretary may consider the relative
18 subsidy requirements of the carriers: *Provided further*,
19 That, if the funds under this heading are insufficient to
20 meet the costs of the essential air service program in the
21 current fiscal year, the Secretary shall transfer such sums
22 as may be necessary to carry out the essential air service
23 program from any available amounts appropriated to or
24 directly administered by the Office of the Secretary for
25 such fiscal year.

1 ADMINISTRATIVE PROVISIONS—OFFICE OF THE
2 SECRETARY OF TRANSPORTATION

3 SEC. 101. None of the funds made available in this
4 Act to the Department of Transportation may be obligated
5 for the Office of the Secretary of Transportation to ap-
6 prove assessments or reimbursable agreements pertaining
7 to funds appropriated to the modal administrations in this
8 Act, except for activities underway on the date of enact-
9 ment of this Act, unless such assessments or agreements
10 have completed the normal reprogramming process for
11 Congressional notification.

12 SEC. 102. None of the funds made available under
13 this Act may be obligated or expended to establish or im-
14 plement a program under which essential air service com-
15 munities are required to assume subsidy costs commonly
16 referred to as the EAS local participation program.

17 SEC. 103. The Secretary or his designee may engage
18 in activities with States and State legislators to consider
19 proposals related to the reduction of motorcycle fatalities.

20 SEC. 104. (a) Prior to awarding any grants under
21 the National Infrastructure Investments program, the
22 Secretary of Transportation shall post on the Department
23 of Transportation website any request or application for
24 funding received by the Department for projects from the
25 program. Such post shall include a copy of any such re-

1 quest or application and all project data and supplemental
2 materials provided by the entity seeking such grant.

3 (b) No later than 5 days after the announcing of
4 grant awards, the Secretary shall post on the Department
5 of Transportation website a complete description and ac-
6 counting of what criteria, both qualitative and quan-
7 titative, was used in the selection of the grants under the
8 program.

9 (c) The Office of Inspector General of the Depart-
10 ment of Transportation shall audit and review 10 percent
11 of grant recipients under the National Infrastructure In-
12 vestments program to ensure that funds issued under such
13 program are used appropriately and within the scope of
14 the grant awarded.

15 FEDERAL AVIATION ADMINISTRATION

16 OPERATIONS

17 (AIRPORT AND AIRWAY TRUST FUND)

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses of the Federal Aviation Ad-
20 ministration, not otherwise provided for, including oper-
21 ations and research activities related to commercial space
22 transportation, administrative expenses for research and
23 development, establishment of air navigation facilities, the
24 operation (including leasing) and maintenance of aircraft,
25 subsidizing the cost of aeronautical charts and maps sold

1 to the public, lease or purchase of passenger motor vehi-
2 cles for replacement only, in addition to amounts made
3 available by Public Law 108–176, \$9,793,000,000, of
4 which \$3,900,000,000 shall be derived from the Airport
5 and Airway Trust Fund, of which not to exceed
6 \$7,630,628,000 shall be available for air traffic organiza-
7 tion activities; not to exceed \$1,304,486,000 shall be avail-
8 able for aviation safety activities; not to exceed
9 \$16,747,000 shall be available for commercial space trans-
10 portation activities; not to exceed \$114,784,000 shall be
11 available for financial services activities; not to exceed
12 \$103,297,000 shall be available for human resources pro-
13 gram activities; not to exceed \$361,354,000 shall be avail-
14 able for region and center operations and regional coordi-
15 nation activities; not to exceed \$208,994,000 shall be
16 available for staff offices; and not to exceed \$53,360,000
17 shall be available for information services: *Provided*, That
18 the Secretary utilize not less than \$17,000,000 of the
19 funds provided for aviation safety activities to pay for staff
20 increases in the Office of Aviation Flight Standards and
21 the Office of Aircraft Certification: *Provided further*, That
22 none of the funds provided for increases to the staffs of
23 the aviation flight standards and aircraft certification of-
24 fices shall be used for other purposes: *Provided further*,
25 That not to exceed 2 percent of any budget activity, except

1 for aviation safety budget activity, may be transferred to
2 any budget activity under this heading: *Provided further*,
3 That no transfer may increase or decrease any appropria-
4 tion by more than 2 percent: *Provided further*, That any
5 transfer in excess of 2 percent shall be treated as a re-
6 programming of funds under section 405 of this Act and
7 shall not be available for obligation or expenditure except
8 in compliance with the procedures set forth in that section:
9 *Provided further*, That not later than March 31 of each
10 fiscal year hereafter, the Administrator of the Federal
11 Aviation Administration shall transmit to Congress an an-
12 nual update to the report submitted to Congress in De-
13 cember 2004 pursuant to section 221 of Public Law 108–
14 176: *Provided further*, That the amount herein appro-
15 priated shall be reduced by \$100,000 for each day after
16 March 31 that such report has not been submitted to the
17 Congress: *Provided further*, That not later than March 31
18 of each fiscal year hereafter, the Administrator shall
19 transmit to Congress a companion report that describes
20 a comprehensive strategy for staffing, hiring, and training
21 flight standards and aircraft certification staff in a format
22 similar to the one utilized for the controller staffing plan,
23 including stated attrition estimates and numerical hiring
24 goals by fiscal year: *Provided further*, That the amount
25 herein appropriated shall be reduced by \$100,000 per day

1 for each day after March 31 that such report has not been
2 submitted to Congress: *Provided further*, That funds may
3 be used to enter into a grant agreement with a nonprofit
4 standard-setting organization to assist in the development
5 of aviation safety standards: *Provided further*, That none
6 of the funds in this Act shall be available for new appli-
7 cants for the second career training program: *Provided*
8 *further*, That none of the funds in this Act shall be avail-
9 able for the Federal Aviation Administration to finalize
10 or implement any regulation that would promulgate new
11 aviation user fees not specifically authorized by law after
12 the date of the enactment of this Act: *Provided further*,
13 That there may be credited to this appropriation as offset-
14 ting collections funds received from States, counties, mu-
15 nicipalities, foreign authorities, other public authorities,
16 and private sources, including funds from fees authorized
17 under Chapter 453 of title 49, United States Code, other
18 than those authorized by section 45301(a)(1) of that title,
19 which shall be available for expenses incurred in the provi-
20 sion of agency services, including receipts for the mainte-
21 nance and operation of air navigation facilities, and for
22 issuance, renewal or modification of certificates, including
23 airman, aircraft, and repair station certificates, or for
24 tests related thereto, or for processing major repair or al-
25 teration forms: *Provided further*, That of the funds appro-

1 priated under this heading, not less than \$9,500,000 shall
 2 be for the contract tower cost-sharing program: *Provided*
 3 *further*, That none of the funds in this Act for aeronautical
 4 charting and cartography are available for activities con-
 5 ducted by, or coordinated through, the Working Capital
 6 Fund.

7 FACILITIES AND EQUIPMENT

8 (AIRPORT AND AIRWAY TRUST FUND)

9 For necessary expenses, not otherwise provided for,
 10 for acquisition, establishment, technical support services,
 11 improvement by contract or purchase, and hire of national
 12 airspace systems and experimental facilities and equip-
 13 ment, as authorized under part A of subtitle VII of title
 14 49, United States Code, including initial acquisition of
 15 necessary sites by lease or grant; engineering and service
 16 testing, including construction of test facilities and acqui-
 17 sition of necessary sites by lease or grant; construction
 18 and furnishing of quarters and related accommodations
 19 for officers and employees of the Federal Aviation Admin-
 20 istration stationed at remote localities where such accom-
 21 modations are not available; and the purchase, lease, or
 22 transfer of aircraft from funds available under this head-
 23 ing, including aircraft for aviation regulation and certifi-
 24 cation; to be derived from the Airport and Airway Trust
 25 Fund, \$3,000,000,000, of which \$2,508,000,000 shall re-

1 main available until September 30, 2013, and of which
 2 \$492,000,000 shall remain available until September 30,
 3 2011: *Provided*, That there may be credited to this appro-
 4 priation funds received from States, counties, municipali-
 5 ties, other public authorities, and private sources, for ex-
 6 penses incurred in the establishment, improvement, and
 7 modernization of National Airspace Systems: *Provided*
 8 *further*, That upon initial submission to the Congress of
 9 the fiscal year 2012 President's budget, the Secretary of
 10 Transportation shall transmit to the Congress a com-
 11 prehensive capital investment plan for the Federal Avia-
 12 tion Administration which includes funding for each budg-
 13 et line item for fiscal years 2012 through 2016, with total
 14 funding for each year of the plan constrained to the fund-
 15 ing targets for those years as estimated and approved by
 16 the Office of Management and Budget.

17 RESEARCH, ENGINEERING, AND DEVELOPMENT

18 (AIRPORT AND AIRWAY TRUST FUND)

19 For necessary expenses, not otherwise provided for,
 20 for research, engineering, and development, as authorized
 21 under part A of subtitle VII of title 49, United States
 22 Code, including construction of experimental facilities and
 23 acquisition of necessary sites by lease or grant,
 24 \$198,000,000, to be derived from the Airport and Airway
 25 Trust Fund and to remain available until September 30,

1 2013: *Provided*, That there may be credited to this appro-
 2 priation as offsetting collections, funds received from
 3 States, counties, municipalities, other public authorities,
 4 and private sources, which shall be available for expenses
 5 incurred for research, engineering, and development.

6 GRANTS-IN-AID FOR AIRPORTS

7 (LIQUIDATION OF CONTRACT AUTHORIZATION)

8 (LIMITATION ON OBLIGATIONS)

9 (AIRPORT AND AIRWAY TRUST FUND)

10 For liquidation of obligations incurred for grants-in-
 11 aid for airport planning and development, and noise com-
 12 patibility planning and programs as authorized under sub-
 13 chapter I of chapter 471 and subchapter I of chapter 475
 14 of title 49, United States Code, and under other law au-
 15 thorizing such obligations; for procurement, installation,
 16 and commissioning of runway incursion prevention devices
 17 and systems at airports of such title; for grants authorized
 18 under section 41743 of title 49, United States Code; and
 19 for inspection activities and administration of airport safe-
 20 ty programs, including those related to airport operating
 21 certificates under section 44706 of title 49, United States
 22 Code, \$3,550,000,000, to be derived from the Airport and
 23 Airway Trust Fund and to remain available until ex-
 24 pended: *Provided*, That none of the funds under this head-
 25 ing shall be available for the planning or execution of pro-

1 grams the obligations for which are in excess of
 2 \$3,515,000,000 in fiscal year 2011, notwithstanding sec-
 3 tion 47117(g) of title 49, United States Code: *Provided*
 4 *further*, That none of the funds under this heading shall
 5 be available for the replacement of baggage conveyor sys-
 6 tems, reconfiguration of terminal baggage areas, or other
 7 airport improvements that are necessary to install bulk ex-
 8 plosive detection systems: *Provided further*, That notwith-
 9 standing any other provision of law, of funds limited under
 10 this heading, not more than \$99,622,000 shall be obli-
 11 gated for administration, not less than \$15,000,000 shall
 12 be available for the airport cooperative research program,
 13 not less than \$27,217,000 shall be for Airport Technology
 14 Research.

15 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

16 ADMINISTRATION

17 SEC. 110. None of the funds in this Act may be used
 18 to compensate in excess of 600 technical staff-years under
 19 the federally funded research and development center con-
 20 tract between the Federal Aviation Administration and the
 21 Center for Advanced Aviation Systems Development dur-
 22 ing fiscal year 2011.

23 SEC. 111. None of the funds in this Act shall be used
 24 to pursue or adopt guidelines or regulations requiring air-
 25 port sponsors to provide to the Federal Aviation Adminis-

1 tration without cost building construction, maintenance,
2 utilities and expenses, or space in airport sponsor-owned
3 buildings for services relating to air traffic control, air
4 navigation, or weather reporting: *Provided*, That the pro-
5 hibition of funds in this section does not apply to negotia-
6 tions between the agency and airport sponsors to achieve
7 agreement on “below-market” rates for these items or to
8 grant assurances that require airport sponsors to provide
9 land without cost to the FAA for air traffic control facili-
10 ties.

11 SEC. 112. The Administrator of the Federal Aviation
12 Administration may reimburse amounts made available to
13 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
14 49 U.S.C. 45303: *Provided*, That during fiscal year 2011,
15 49 U.S.C. 41742(b) shall not apply, and any amount re-
16 maining in such account at the close of that fiscal year
17 may be made available to satisfy section 41742(a)(1) for
18 the subsequent fiscal year.

19 SEC. 113. Amounts collected under section 40113(e)
20 of title 49, United States Code, shall be credited to the
21 appropriation current at the time of collection, to be
22 merged with and available for the same purposes of such
23 appropriation.

24 SEC. 114. None of the funds appropriated or limited
25 by this Act may be used to change weight restrictions or

1 prior permission rules at Teterboro airport in Teterboro,
2 New Jersey.

3 SEC. 115. None of the funds limited by this Act for
4 grants under the Airport Improvement Program shall be
5 made available to the sponsor of a commercial service air-
6 port if such sponsor fails to agree to a request from the
7 Secretary of Transportation for cost-free space in a non-
8 revenue producing, public use area of the airport terminal
9 or other airport facilities for the purpose of carrying out
10 a public service air passenger rights and consumer out-
11 reach campaign.

12 SEC. 116. None of the funds in this Act shall be avail-
13 able for paying premium pay under subsection 5546(a) of
14 title 5, United States Code, to any Federal Aviation Ad-
15 ministration employee unless such employee actually per-
16 formed work during the time corresponding to such pre-
17 mium pay.

18 SEC. 117. None of the funds in this Act may be obli-
19 gated or expended for an employee of the Federal Aviation
20 Administration to purchase a store gift card or gift certifi-
21 cate through use of a Government-issued credit card.

1 FEDERAL HIGHWAY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 Not to exceed \$428,843,000, together with advances
5 and reimbursements received by the Federal Highway Ad-
6 ministration, shall be paid in accordance with law from
7 appropriations made available by this Act to the Federal
8 Highway Administration for necessary expenses for ad-
9 ministration and operation: *Provided*, That of the funds
10 made available under this heading, not less than
11 \$8,000,000 shall be for renovations and upgrades to the
12 fiscal management information system, except that such
13 funds may not be obligated for such purpose until the Sec-
14 retary of Transportation submits to the House and Senate
15 Committees on Appropriations a plan that identifies the
16 full cost of the upgrades needed and a timeline for comple-
17 tion. In addition, not to exceed \$3,300,000 shall be paid
18 from appropriations made available by this Act and trans-
19 ferred to the Appalachian Regional Commission in accord-
20 ance with section 104 of title 23, United States Code.

21 FEDERAL-AID HIGHWAYS

22 (LIMITATION ON OBLIGATIONS)

23 (HIGHWAY TRUST FUND)

24 None of the funds in this Act shall be available for
25 the implementation or execution of programs, the obliga-

1 tions for which are in excess of \$45,217,700,000 for Fed-
2 eral-aid highways and highway safety construction pro-
3 grams for fiscal year 2011: *Provided*, That within the
4 \$45,217,700,000 obligation limitation on Federal-aid
5 highways and highway safety construction programs, not
6 more than \$429,800,000 shall be available for the imple-
7 mentation or execution of programs for transportation re-
8 search (chapter 5 of title 23, United States Code; sections
9 111, 5505, and 5506 of title 49, United States Code; and
10 title 5 of Public Law 109–59) for fiscal year 2011: *Pro-*
11 *vided further*, That this limitation on transportation re-
12 search programs shall not apply to any authority pre-
13 viously made available for obligation: *Provided further*,
14 That the Secretary may, as authorized by section 605(b)
15 of title 23, United States Code, collect and spend fees to
16 cover the costs of services of expert firms, including coun-
17 sel, in the field of municipal and project finance to assist
18 in the underwriting and servicing of Federal credit instru-
19 ments and all or a portion of the costs to the Federal Gov-
20 ernment of servicing such credit instruments: *Provided*
21 *further*, That such fees are available until expended to pay
22 for such costs: *Provided further*, That such amounts are
23 in addition to administrative expenses that are also avail-
24 able for such purpose, and are not subject to any obliga-

tion limitation or the limitation on administrative expenses
under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United
States Code, that are attributable to Federal-aid high-
ways, not otherwise provided, including reimbursement for
sums expended pursuant to the provisions of 23 U.S.C.
308, \$45,956,700,000 or so much thereof as may be avail-
able in and derived from the Highway Trust Fund (other
than the Mass Transit Account), to remain available until
expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2011, the Secretary of
Transportation shall—

(1) not distribute from the obligation limitation
for Federal-aid highways amounts authorized for ad-
ministrative expenses and programs by section
104(a) of title 23, United States Code; programs
funded from the administrative takedown authorized
by section 104(a)(1) of title 23, United States Code
(as in effect on the date before the date of enact-
ment of the Safe, Accountable, Flexible, Efficient

1 Transportation Equity Act: A Legacy for Users); the
2 highway use tax evasion program; and the Bureau of
3 Transportation Statistics;

4 (2) not distribute an amount from the obliga-
5 tion limitation for Federal-aid highways that is equal
6 to the unobligated balance of amounts made avail-
7 able from the Highway Trust Fund (other than the
8 Mass Transit Account) for Federal-aid highways and
9 highway safety programs for previous fiscal years
10 the funds for which are allocated by the Secretary;

11 (3) determine the ratio that—

12 (A) the obligation limitation for Federal-
13 aid highways, less the aggregate of amounts not
14 distributed under paragraphs (1) and (2), bears
15 to

16 (B) the total of the sums authorized to be
17 appropriated for Federal-aid highways and
18 highway safety construction programs (other
19 than sums authorized to be appropriated for
20 provisions of law described in paragraphs (1)
21 through (9) of subsection (b) and sums author-
22 ized to be appropriated for section 105 of title
23 23, United States Code, equal to the amount
24 referred to in subsection (b)(10) for such fiscal
25 year), less the aggregate of the amounts not

1 distributed under paragraphs (1) and (2) of
2 this subsection;

3 (4)(A) distribute the obligation limitation for
4 Federal-aid highways, less the aggregate amounts
5 not distributed under paragraphs (1) and (2), for
6 sections 1301, 1302, and 1934 of the Safe, Account-
7 able, Flexible, Efficient Transportation Equity Act:
8 A Legacy for Users; sections 117 (but individually
9 for each project numbered 1 through 3676 listed in
10 the table contained in section 1702 of the Safe, Ac-
11 countable, Flexible, Efficient Transportation Equity
12 Act: A Legacy for Users) and section 144(g) of title
13 23, United States Code; and section 14501 of title
14 40, United States Code, so that the amount of obli-
15 gation authority available for each of such sections
16 is equal to the amount determined by multiplying
17 the ratio determined under paragraph (3) by the
18 sums authorized to be appropriated for that section
19 for the fiscal year; and

20 (B) distribute \$2,000,000,000 for section
21 105 of title 23, United States Code;

22 (5) distribute the obligation limitation provided
23 for Federal-aid highways, less the aggregate
24 amounts not distributed under paragraphs (1) and
25 (2) and amounts distributed under paragraph (4),

1 for each of the programs that are allocated by the
2 Secretary under the Safe, Accountable, Flexible, Ef-
3 ficient Transportation Equity Act: A Legacy for
4 Users and title 23, United States Code (other than
5 to programs to which paragraphs (1) and (4) apply),
6 by multiplying the ratio determined under paragraph
7 (3) by the amounts authorized to be appropriated
8 for each such program for such fiscal year; and

9 (6) distribute the obligation limitation provided
10 for Federal-aid highways, less the aggregate
11 amounts not distributed under paragraphs (1) and
12 (2) and amounts distributed under paragraphs (4)
13 and (5), for Federal-aid highways and highway safe-
14 ty construction programs (other than the amounts
15 apportioned for the equity bonus program, but only
16 to the extent that the amounts apportioned for the
17 equity bonus program for the fiscal year are greater
18 than \$2,639,000,000, and the Appalachian develop-
19 ment highway system program) that are apportioned
20 by the Secretary under the Safe, Accountable, Flexi-
21 ble, Efficient Transportation Equity Act: A Legacy
22 for Users and title 23, United States Code, in the
23 ratio that—

1 (A) amounts authorized to be appropriated
2 for such programs that are apportioned to each
3 State for such fiscal year, bear to

4 (B) the total of the amounts authorized to
5 be appropriated for such programs that are ap-
6 portioned to all States for such fiscal year.

7 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

8 The obligation limitation for Federal-aid highways shall
9 not apply to obligations: (1) under section 125 of title 23,
10 United States Code; (2) under section 147 of the Surface
11 Transportation Assistance Act of 1978; (3) under section
12 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
13 sections (b) and (j) of section 131 of the Surface Trans-
14 portation Assistance Act of 1982; (5) under subsections
15 (b) and (c) of section 149 of the Surface Transportation
16 and Uniform Relocation Assistance Act of 1987; (6) under
17 sections 1103 through 1108 of the Intermodal Surface
18 Transportation Efficiency Act of 1991; (7) under section
19 157 of title 23, United States Code, as in effect on the
20 day before the date of the enactment of the Transpor-
21 tation Equity Act for the 21st Century; (8) under section
22 105 of title 23, United States Code, as in effect for fiscal
23 years 1998 through 2004, but only in an amount equal
24 to \$639,000,000 for each of those fiscal years; (9) for
25 Federal-aid highway programs for which obligation au-

1 thority was made available under the Transportation Eq-
2 uity Act for the 21st Century or subsequent public laws
3 for multiple years or to remain available until used, but
4 only to the extent that the obligation authority has not
5 lapsed or been used; (10) under section 105 of title 23,
6 United States Code, but only in an amount equal to
7 \$639,000,000 for each of fiscal years 2005 through 2011;
8 and (11) under section 1603 of the Safe, Accountable,
9 Flexible, Efficient Transportation Equity Act: A Legacy
10 for Users, to the extent that funds obligated in accordance
11 with that section were not subject to a limitation on obli-
12 gations at the time at which the funds were initially made
13 available for obligation.

14 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
15 THORITY.—Notwithstanding subsection (a), the Secretary
16 shall, after August 1 of such fiscal year, revise a distribu-
17 tion of the obligation limitation made available under sub-
18 section (a) if the amount distributed cannot be obligated
19 during that fiscal year and redistribute sufficient amounts
20 to those States able to obligate amounts in addition to
21 those previously distributed during that fiscal year, giving
22 priority to those States having large unobligated balances
23 of funds apportioned under sections 104 and 144 of title
24 23, United States Code.

1 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
2 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
3 tion limitation shall apply to transportation research pro-
4 grams carried out under chapter 5 of title 23, United
5 States Code, and title V (research title) of the Safe, Ac-
6 countable, Flexible, Efficient Transportation Equity Act:
7 A Legacy for Users, except that obligation authority made
8 available for such programs under such limitation shall re-
9 main available for a period of 3 fiscal years and shall be
10 in addition to the amount of any limitation imposed on
11 obligations for Federal-aid highway and highway safety
12 construction programs for future fiscal years.

13 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
14 FUNDS.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of the distribution of obligation limitation
17 under subsection (a), the Secretary shall distribute
18 to the States any funds that—

19 (A) are authorized to be appropriated for
20 such fiscal year for Federal-aid highways pro-
21 grams; and

22 (B) the Secretary determines will not be
23 allocated to the States, and will not be available
24 for obligation, in such fiscal year due to the im-

1 position of any obligation limitation for such
2 fiscal year.

3 (2) RATIO.—Funds shall be distributed under
4 paragraph (1) in the same ratio as the distribution
5 of obligation authority under subsection (a)(6).

6 (3) AVAILABILITY.—Funds distributed under
7 paragraph (1) shall be available for any purposes de-
8 scribed in section 133(b) of title 23, United States
9 Code.

10 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-
11 gation limitation distributed for a fiscal year under sub-
12 section (a)(4) for the provision specified in subsection
13 (a)(4) shall—

14 (1) remain available until used for obligation of
15 funds for that provision; and

16 (2) be in addition to the amount of any limita-
17 tion imposed on obligations for Federal-aid highway
18 and highway safety construction programs for future
19 fiscal years.

20 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 obligation authority distributed for such fiscal year
23 under subsection (a)(4) for each project numbered 1
24 through 3676 listed in the table contained in section
25 1702 of the Safe, Accountable, Flexible, Efficient

1 Transportation Equity Act: A Legacy for Users may
2 be obligated for any other project in such section in
3 the same State.

4 (2) RESTORATION.—Obligation authority used
5 as described in paragraph (1) shall be restored to
6 the original purpose on the date on which obligation
7 authority is distributed under this section for the
8 next fiscal year following obligation under paragraph
9 (1).

10 (h) LIMITATION ON STATUTORY CONSTRUCTION.—
11 Nothing in this section shall be construed to limit the dis-
12 tribution of obligation authority under subsection
13 (a)(4)(A) for each of the individual projects numbered
14 greater than 3676 listed in the table contained in section
15 1702 of the Safe, Accountable, Flexible, Efficient Trans-
16 portation Equity Act: A Legacy for Users.

17 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
18 ceived by the Bureau of Transportation Statistics from the
19 sale of data products, for necessary expenses incurred pur-
20 suant to 49 U.S.C. 111 may be credited to the Federal-
21 aid highways account for the purpose of reimbursing the
22 Bureau for such expenses: *Provided*, That such funds shall
23 be subject to the obligation limitation for Federal-aid
24 highways and highway safety construction.

1 SEC. 122. Not less than 15 days prior to waiving,
2 under his statutory authority, any Buy America require-
3 ment for Federal-aid highway projects, the Secretary of
4 Transportation shall make an informal public notice and
5 comment opportunity on the intent to issue such waiver
6 and the reasons therefor: *Provided*, That the Secretary
7 shall provide an annual report to the Appropriations Com-
8 mittees of the Congress on any waivers granted under the
9 Buy America requirements.

10 SEC. 123. (a) IN GENERAL.—Except as provided in
11 subsection (b), none of the funds made available, limited,
12 or otherwise affected by this Act shall be used to approve
13 or otherwise authorize the imposition of any toll on any
14 segment of highway located on the Federal-aid system in
15 the State of Texas that—

16 (1) as of the date of enactment of this Act, is not
17 tolled;

18 (2) is constructed with Federal assistance provided
19 under title 23, United States Code; and

20 (3) is in actual operation as of the date of enactment
21 of this Act.

22 (b) EXCEPTIONS.—

23 (1) NUMBER OF TOLL LANES.—Subsection (a) shall
24 not apply to any segment of highway on the Federal-aid
25 system described in that subsection that, as of the date

1 on which a toll is imposed on the segment, will have the
2 same number of non-toll lanes as were in existence prior
3 to that date.

4 (2) HIGH-OCCUPANCY VEHICLE LANES.—A high-oc-
5 cupancy vehicle lane that is converted to a toll lane shall
6 not be subject to this section, and shall not be considered
7 to be a non-toll lane for purposes of determining whether
8 a highway will have fewer non-toll lanes than prior to the
9 date of imposition of the toll, if—

10 (A) high-occupancy vehicles occupied by the
11 number of passengers specified by the entity oper-
12 ating the toll lane may use the toll lane without pay-
13 ing a toll, unless otherwise specified by the appro-
14 priate county, town, municipal or other local govern-
15 ment entity, or public toll road or transit authority;
16 or

17 (B) each high-occupancy vehicle lane that was
18 converted to a toll lane was constructed as a tem-
19 porary lane to be replaced by a toll lane under a
20 plan approved by the appropriate county, town, mu-
21 nicipal or other local government entity, or public
22 toll road or transit authority.

23 SEC. 124. Notwithstanding any other provision of
24 law, whenever an apportionment is made of the sums au-
25 thorized to be appropriated for the Surface Transportation

1 Program, the Congestion Mitigation and Air Quality Im-
2 provement Program, the National Highway System Pro-
3 gram, the Interstate Maintenance Program, and the High-
4 way Bridge Program, the Secretary of Transportation
5 shall deduct a sum in such amount not to exceed a total
6 of \$200,000,000 of all sums so authorized: *Provided*, That
7 of the amount so deducted in accordance with this section
8 shall be made available for the Federal Highway Adminis-
9 tration Livable Communities Program: *Provided further*,
10 That the Federal share payable on account of any pro-
11 gram, project, or activity carried out with funds made
12 available under this section shall be determined in accord-
13 ance with 23 U.S.C. 120: *Provided further*, That the Ad-
14 ministrator of the Federal Highway Administration may
15 retain up to one percent of the funds provided under this
16 section for administrative expenses: *Provided further*, That
17 the sum deducted in accordance with this section shall re-
18 main available until expended: *Provided further*, That all
19 funds made available under this section shall be subject
20 to any limitation on obligations for Federal-aid highways
21 programs set forth in this Act or any other Act: *Provided*
22 *further*, That the obligation limitation made available for
23 the programs, projects, and activities for which funds are
24 made available under this section shall remain available
25 until used and shall be in addition to the amount of any

1 limitation imposed on obligations for Federal-aid highway
2 and highway safety construction programs for future fiscal
3 years: *Provided further*, That in apportioning funds for fis-
4 cal year 2011 for the equity bonus program under Section
5 105 of title 23, United States Code, the Secretary shall
6 make any calculations required to be made under that sec-
7 tion as if this provision had not been enacted.

8 SEC. 125. (a) In the explanatory statement ref-
9 erenced in section 186 of title I of division A of Public
10 Law 111–117 (123 Stat. 3070), the item relating to
11 “Chalk Bluff Road, Clay County, AR” in the table of
12 projects under the heading “Delta Region Transportation
13 Development Program” is deemed to be amended by strik-
14 ing “Chalk Bluff Road, Clay County, AR” and inserting
15 “Cabot North Interchange, AR”.

16 (b) In the explanatory statement referenced in section
17 186 of title I of division A of Public Law 111–117 (123
18 Stat. 3070), the item relating to “I-480/Tiedeman Road
19 Interchange Modification, OH” in the table of projects
20 under the heading “Interstate Maintenance Discre-
21 tionary” is deemed to be amended by striking “I-480/
22 Tiedeman Road Interchange Modification, OH” and in-
23 serting “Construction and upgrades at four grade cross-
24 ings in Olmsted Falls, OH”.

1 (c) Funds made available for “Construction of the I-
2 278 Environmental Shield, Queens, NY” under the head-
3 ing “Surface transportation priorities” in title I of division
4 A of Public Law 111–117 (123 Stat. 3044) shall be made
5 available for “Reconstruction and reconfiguration of the
6 northbound off-ramp from Interstate 95 to Bartow/
7 Baychester Avenue, Bronx, NY”.

8 (d) In the explanatory statement referenced in section
9 186 of title I of division I of Public Law 111–8 (123 Stat.
10 947), the item relating to “Newton County Rails to Trails
11 By-Pass Tunnel, GA” in the table of projects under the
12 heading “Transportation, Community, and System Pres-
13 ervation Program” is deemed to be amended by striking
14 “Newton County Rails to Trails By-Pass Tunnel, GA”
15 and inserting “Newton County Eastside High School to
16 County Library Trail, GA”.

17 SEC. 126. The table contained in section 1702 of the
18 Safe, Accountable, Flexible, Efficient Transportation Eq-
19 uity Act: A Legacy for Users (119 Stat. 1256) is amend-
20 ed—

21 (a) in item number 1366, by striking the project de-
22 scription and inserting “Road and bridge improvements
23 and storm water mitigation in the Town of Southampton”;
24 and

1 (b) in item number 2252 by striking the project de-
2 scription and inserting “Operational safety studies, final
3 design and/or construction of intersection operational and
4 safety improvements for USH 53 between Rice Lake and
5 Superior, Wisconsin”.

6 SEC. 127. The table contained in section 1602 of the
7 Transportation Equity Act for the 21st Century (112
8 Stat. 257) is amended—

9 (a) in item number 414 by striking the project de-
10 scription and inserting “Engineering, design and construc-
11 tion of the North Street, Pittsfield, streetscaping project”;
12 and

13 (b) in item number 815 by striking the project de-
14 scription and inserting “ Highway 10 relocation, City of
15 Wadena”.

16 SEC. 128. Of the unobligated balances made available
17 under Public Law 101–516, Public Law 102–143, Public
18 Law 103–331, and Public Law 106–346, \$33,905,809 are
19 rescinded: *Provided*, That in administering the rescission
20 required under this section, the Secretary of Transpor-
21 tation shall first consider: (1) projects where the des-
22 ignated purpose has been completed and the remaining
23 funds are no longer needed to meet that purpose; and (2)
24 projects with more than 90 percent of the appropriated
25 amount remaining available for obligation.

1 SEC. 129. Of the amounts made available for “High-
 2 way Related Safety Grants” by section 402 of title 23,
 3 United States Code, and administered by the Federal
 4 Highway Administration, \$3,651 in unobligated balances
 5 are rescinded.

6 SEC. 130. Of the amounts made available under sec-
 7 tion 104(a) of title 23, United States Code, \$1,863,000
 8 are permanently rescinded.

9 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
 10 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS
 11 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 12 (LIMITATION ON OBLIGATIONS)
 13 (HIGHWAY TRUST FUND)

14 For payment of obligations incurred in the implemen-
 15 tation, execution and administration of motor carrier safe-
 16 ty operations and programs pursuant to section 31104(i)
 17 of title 49, United States Code, and sections 4127 and
 18 4134 of Public Law 109–59, \$259,878,000, to be derived
 19 from the Highway Trust Fund (other than the Mass Tran-
 20 sit Account), together with advances and reimbursements
 21 received by the Federal Motor Carrier Safety Administra-
 22 tion, the sum of which shall remain available until ex-
 23 pended: *Provided*, That none of the funds derived from
 24 the Highway Trust Fund in this Act shall be available for
 25 the implementation, execution or administration of pro-

1 grams, the obligations for which are in excess of
 2 \$259,878,000, for “Motor Carrier Safety Operations and
 3 Programs” of which \$8,586,000, to remain available for
 4 obligation until September 30, 2013, is for the research
 5 and technology program and \$1,000,000 shall be available
 6 for commercial motor vehicle operator’s grants to carry
 7 out section 4134 of Public Law 109–59: *Provided further*,
 8 That notwithstanding any other provision of law, none of
 9 the funds under this heading for outreach and education
 10 shall be available for transfer.

11 MOTOR CARRIER SAFETY GRANTS

12 (LIQUIDATION OF CONTRACT AUTHORIZATION)

13 (LIMITATION ON OBLIGATIONS)

14 (HIGHWAY TRUST FUND)

15 For payment of obligations incurred in carrying out
 16 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
 17 31313 of title 49, United States Code, and sections 4126
 18 and 4128 of Public Law 109–59, \$310,070,000, to be de-
 19 rived from the Highway Trust Fund (other than the Mass
 20 Transit Account) and to remain available until expended:
 21 *Provided*, That none of the funds in this Act shall be avail-
 22 able for the implementation or execution of programs, the
 23 obligations for which are in excess of \$310,070,000, for
 24 “Motor Carrier Safety Grants”; of which \$215,070,000
 25 shall be available for the motor carrier safety assistance

1 program to carry out sections 31102 and 31104(a) of title
 2 49, United States Code; \$30,000,000 shall be available for
 3 the commercial driver's license improvements program to
 4 carry out section 31313 of title 49, United States Code;
 5 \$32,000,000 shall be available for the border enforcement
 6 grants program to carry out section 31107 of title 49,
 7 United States Code; \$5,000,000 shall be available for the
 8 performance and registration information system manage-
 9 ment program to carry out sections 31106(b) and 31109
 10 of title 49, United States Code; \$25,000,000 shall be
 11 available for the commercial vehicle information systems
 12 and networks deployment program to carry out section
 13 4126 of Public Law 109–59; and \$3,000,000 shall be
 14 available for the safety data improvement program to
 15 carry out section 4128 of Public Law 109–59: *Provided*
 16 *further*, That of the funds made available for the motor
 17 carrier safety assistance program, \$35,000,000 shall be
 18 available for audits of new entrant motor carriers.

19 MOTOR CARRIER SAFETY

20 (HIGHWAY TRUST FUND)

21 (RESCISSION)

22 Of the amounts made available under this heading
 23 in prior appropriations Acts, \$7,330,000 in unobligated
 24 balances are permanently rescinded.

1 NATIONAL MOTOR CARRIER SAFETY PROGRAM
2 (HIGHWAY TRUST FUND)
3 (RESCISSION)

4 Of the amounts made available under this heading
5 in prior appropriations Acts, \$15,076,000 in unobligated
6 balances are permanently rescinded.

7 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
8 SAFETY ADMINISTRATION

9 SEC. 135. Funds appropriated or limited in this Act
10 shall be subject to the terms and conditions stipulated in
11 section 350 of Public Law 107–87 and section 6901 of
12 Public Law 110–28, including that the Secretary submit
13 a report to the House and Senate Appropriations Commit-
14 tees annually on the safety and security of transportation
15 into the United States by Mexico-domiciled motor carriers.

16 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
17 OPERATIONS AND RESEARCH

18 For expenses necessary to discharge the functions of
19 the Secretary, with respect to traffic and highway safety
20 under subtitle C of title X of Public Law 109–59 and
21 chapter 301 and part C of subtitle VI of title 49, United
22 States Code, \$148,127,000, of which \$10,000,000 shall
23 remain available through September 30, 2012: *Provided*,
24 That none of the funds appropriated by this Act may be
25 obligated or expended to plan, finalize, or implement any

1 rulemaking to add to section 575.104 of title 49 of the
2 Code of Federal Regulations any requirement pertaining
3 to a grading standard that is different from the three
4 grading standards (treadwear, traction, and temperature
5 resistance) already in effect.

6 OPERATIONS AND RESEARCH
7 (LIQUIDATION OF CONTRACT AUTHORIZATION)
8 (LIMITATION ON OBLIGATIONS)
9 (HIGHWAY TRUST FUND)

10 For payment of obligations incurred in carrying out
11 the provisions of 23 U.S.C. 403, \$110,073,000 to be de-
12 rived from the Highway Trust Fund (other than the Mass
13 Transit Account) and to remain available until expended:
14 *Provided*, That none of the funds in this Act shall be avail-
15 able for the planning or execution of programs the total
16 obligations for which, in fiscal year 2011, are in excess
17 of \$110,073,000 for programs authorized under 23 U.S.C.
18 403: *Provided further*, That within the \$110,073,000 obli-
19 gation limitation for operations and research, \$10,000,000
20 shall remain available until September 30, 2012 and shall
21 be in addition to the amount of any limitation imposed
22 on obligations for future years.

1 NATIONAL DRIVER REGISTER
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 chapter 303 of title 49, United States Code, \$4,170,000,
7 to be derived from the Highway Trust Fund (other than
8 the Mass Transit Account) and to remain available until
9 expended: *Provided*, That none of the funds in this Act
10 shall be available for the implementation or execution of
11 programs the total obligations for which, in fiscal year
12 2011, are in excess of \$4,170,000 for the National Driver
13 Register authorized under such chapter.

14 NATIONAL DRIVER REGISTER MODERNIZATION
15 For an additional amount for the “National Driver
16 Register” as authorized by chapter 303 of title 49, United
17 States Code, \$2,530,000, to remain available through Sep-
18 tember 30, 2012: *Provided*, That the funding made avail-
19 able under this heading shall be used to continue the mod-
20 ernization of the National Driver Register.

1 HIGHWAY TRAFFIC SAFETY GRANTS
2 (LIQUIDATION OF CONTRACT AUTHORIZATION)
3 (LIMITATION ON OBLIGATIONS)
4 (HIGHWAY TRUST FUND)

5 For payment of obligations incurred in carrying out
6 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
7 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
8 Law 109–59, to remain available until expended,
9 \$626,328,000 (reduced by \$50,000,000) to be derived
10 from the Highway Trust Fund (other than the Mass Tran-
11 sit Account): *Provided*, That none of the funds in this Act
12 shall be available for the planning or execution of pro-
13 grams the total obligations for which, in fiscal year 2011,
14 are in excess of \$626,328,000 (reduced by \$50,000,000)
15 for programs authorized under 23 U.S.C. 402, 405, 406,
16 408, and 410 and sections 2001(a)(11), 2009, 2010, and
17 2011 of Public Law 109–59, of which \$235,000,000 shall
18 be for “Highway Safety Programs” under 23 U.S.C. 402;
19 \$25,000,000 shall be for “Occupant Protection Incentive
20 Grants” under 23 U.S.C. 405; \$124,500,000 (reduced by
21 \$50,000,000) shall be for “Safety Belt Performance
22 Grants” under 23 U.S.C. 406, and such obligation limita-
23 tion shall remain available until September 30, 2012 in
24 accordance with subsection (f) of such section 406 and
25 shall be in addition to the amount of any limitation im-

1 posed on obligations for such grants for future fiscal
2 years, of which up to \$50,000,000 may be made available
3 by the Secretary as grants to States that enact and en-
4 force laws to prevent distracted driving; \$34,500,000 shall
5 be for “State Traffic Safety Information System Improve-
6 ments” under 23 U.S.C. 408; \$139,000,000 shall be for
7 “Alcohol-Impaired Driving Countermeasures Incentive
8 Grant Program” under 23 U.S.C. 410; \$25,328,000 shall
9 be for “Administrative Expenses” under section
10 2001(a)(11) of Public Law 109–59; \$29,000,000 shall be
11 for “High Visibility Enforcement Program” under section
12 2009 of Public Law 109–59; \$7,000,000 shall be for “Mo-
13 torcyclist Safety” under section 2010 of Public Law 109–
14 59; and \$7,000,000 shall be for “Child Safety and Child
15 Booster Seat Safety Incentive Grants” under section 2011
16 of Public Law 109–59: *Provided further*, That of the funds
17 made available for grants to States that enact and enforce
18 laws to prevent distracted driving, up to \$5,000,000 may
19 be available for the development, production, and use of
20 broadcast and print media advertising for distracted driv-
21 ing prevention: *Provided further*, That none of these funds
22 shall be used for construction, rehabilitation, or remod-
23 eling costs, or for office furnishings and fixtures for State,
24 local or private buildings or structures: *Provided further*,
25 That not to exceed \$500,000 of the funds made available

1 for section 410 “Alcohol-Impaired Driving Counter-
2 measures Grants” shall be available for technical assist-
3 ance to the States: *Provided further*, That not to exceed
4 \$750,000 of the funds made available for the “High Visi-
5 bility Enforcement Program” shall be available for the
6 evaluation required under section 2009(f) of Public Law
7 109–59.

8 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY
9 TRAFFIC SAFETY ADMINISTRATION

10 (INCLUDING RESCISSION)

11 SEC. 140. Notwithstanding any other provision of law
12 or limitation on the use of funds made available under
13 section 403 of title 23, United States Code, an additional
14 \$130,000 shall be made available to the National Highway
15 Traffic Safety Administration, out of the amount limited
16 for section 402 of title 23, United States Code, to pay
17 for travel and related expenses for State management re-
18 views and to pay for core competency development train-
19 ing and related expenses for highway safety staff.

20 SEC. 141. The limitations on obligations for the pro-
21 grams of the National Highway Traffic Safety Adminis-
22 tration set in this Act shall not apply to obligations for
23 which obligation authority was made available in previous
24 public laws for multiple years but only to the extent that
25 the obligation authority has not lapsed or been used.

1 SEC. 142. Of the amounts made available under the
 2 heading “Highway Traffic Safety Grants (Liquidation of
 3 Contract Authorization) (Limitation on Obligations)
 4 (Highway Trust Fund)” in prior appropriations Acts,
 5 \$7,907,000 in unobligated balances are permanently re-
 6 scinded.

7 FEDERAL RAILROAD ADMINISTRATION

8 SAFETY AND OPERATIONS

9 For necessary expenses of the Federal Railroad Ad-
 10 ministration, not otherwise provided for, \$203,348,000, of
 11 which \$5,492,000 shall remain available until expended.

12 RAILROAD RESEARCH AND DEVELOPMENT

13 For necessary expenses for railroad research and de-
 14 velopment, \$40,000,000, to remain available until ex-
 15 pended.

16 RAILROAD SAFETY TECHNOLOGY PROGRAM

17 For necessary expenses of carrying out section 20158
 18 of title 49, United States Code, \$75,000,000, to remain
 19 available until expended: *Provided*, That to be eligible for
 20 assistance under this heading, an entity need not have de-
 21 veloped plans required under subsection 20156(e)(2) of
 22 title 49, United States Code, and section 20157 of such
 23 title.

1 RAILROAD REHABILITATION AND IMPROVEMENT
2 FINANCING PROGRAM

3 The Secretary of Transportation is authorized to
4 issue to the Secretary of the Treasury notes or other obli-
5 gations pursuant to section 512 of the Railroad Revitaliza-
6 tion and Regulatory Reform Act of 1976 (Public Law 94–
7 210), as amended, in such amounts and at such times as
8 may be necessary to pay any amounts required pursuant
9 to the guarantee of the principal amount of obligations
10 under sections 511 through 513 of such Act, such author-
11 ity to exist as long as any such guaranteed obligation is
12 outstanding: *Provided*, That pursuant to section 502 of
13 such Act, as amended, no new direct loans or loan guar-
14 antee commitments shall be made using Federal funds for
15 the credit risk premium during fiscal year 2011.

16 CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS
17 AND INTERCITY PASSENGER RAIL SERVICE

18 To enable the Secretary of Transportation to make
19 grants for high-speed rail projects as authorized under
20 section 26106 of title 49, United States Code, capital in-
21 vestment grants to support intercity passenger rail service
22 as authorized under section 24406 of title 49, United
23 States Code, and congestion grants as authorized under
24 section 24105 of title 49, United States Code, and to enter
25 into cooperative agreements for these purposes as author-

1 ized, \$1,400,000,000, to remain available until expended:
2 *Provided*, That up to \$50,000,000 of funds provided under
3 this paragraph are available to the Administrator of the
4 Federal Railroad Administration to fund the award and
5 oversight by the Administrator of grants and cooperative
6 agreements for intercity and high-speed rail: *Provided fur-*
7 *ther*, That up to \$30,000,000 of the funds provided under
8 this paragraph are available to the Administrator for the
9 purposes of conducting research and demonstrating tech-
10 nologies supporting the development of high-speed rail in
11 the United States, including the demonstration of next-
12 generation rolling stock fleet technology and the imple-
13 mentation of the Rail Cooperative Research Program au-
14 thorized by section 24910 of title 49, United States Code:
15 *Provided further*, That up to \$50,000,000 of the funds
16 provided under this paragraph may be used for planning
17 activities that lead directly to the development of a pas-
18 senger rail corridor investment plan consistent with the
19 requirements established by the Administrator or a state
20 rail plan consistent with chapter 227 of title 49, United
21 States Code: *Provided further*, That the Secretary may re-
22 tain a portion of the funds made available for planning
23 activities under the previous proviso to facilitate the prep-
24 aration of a service development plan and related environ-
25 mental impact statement for high-speed corridors located

1 in multiple States: *Provided further*, That the Secretary
2 shall issue interim guidance to applicants covering applica-
3 tion procedures and administer the grants provided under
4 this heading pursuant to that guidance until final regula-
5 tions are issued: *Provided further*, That not less than 85
6 percent of the funds provided under this heading shall be
7 for cooperative agreements that lead to the development
8 of entire segments or phases of intercity or high-speed rail
9 corridors: *Provided further*, That at least 30 days prior
10 to issuing a letter of intent or cooperative agreement pur-
11 suant to Section 24402(f) of title 49, United States Code,
12 for a major corridor development program, the Secretary
13 shall provide to the House and Senate Committees on Ap-
14 propriations written notification consisting of a business
15 and public investment case for the proposed corridor pro-
16 gram which shall include: a comprehensive analysis of the
17 monetary and non-monetary costs and benefits of the cor-
18 ridor development program; an assessment of ridership,
19 passenger travel time reductions, congestion relief bene-
20 fits, environmental benefits, economic benefits, and other
21 public benefits; operating financial forecasts for the pro-
22 gram; a full capital cost estimation for the entire project,
23 including the amount, source and security of non-Federal
24 funds to complete the project; a summary of the grants
25 management plan and an evaluation of the grantee's abil-

ity to sustain the project: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD

PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), \$563,000,000, to remain available until

1 expended: *Provided*, That each grant request shall be ac-
2 companied by a detailed financial analysis, revenue projec-
3 tion, and capital expenditure projection justifying the Fed-
4 eral support to the Secretary's satisfaction: *Provided fur-*
5 *ther*, That concurrent with the President's budget request
6 for fiscal year 2012, the Corporation shall submit to the
7 House and Senate Committees on Appropriations a budget
8 request for fiscal year 2012 in similar format and sub-
9 stance to those submitted by executive agencies of the
10 Federal Government.

11 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
12 RAILROAD PASSENGER CORPORATION

13 To enable the Secretary of Transportation to make
14 grants to the National Railroad Passenger Corporation for
15 capital investments as authorized by section 101(c) and
16 219(b) of the Passenger Rail Investment and Improve-
17 ment Act of 2008 (division B of Public Law 110-432),
18 \$1,203,500,000 to remain available until expended, of
19 which not to exceed \$305,000,000 shall be for debt service
20 obligations as authorized by section 102 of such Act: *Pro-*
21 *vided*, That after an initial distribution of up to
22 \$200,000,000 which shall be used by the Corporation as
23 a working capital account, all remaining funds shall be
24 provided to the Corporation only on a reimbursable basis:
25 *Provided further*, That the Secretary may retain up to one-

1 half of 1 percent of the funds provided under this heading
2 to fund the costs of project management oversight of cap-
3 ital projects funded by grants provided under this heading,
4 as authorized by subsection 101(d) of division B of Public
5 Law 110–432: *Provided further*, That the Secretary shall
6 approve funding for capital expenditures, including ad-
7 vance purchase orders of materials, for the Corporation
8 only after receiving and reviewing a grant request for each
9 specific capital project justifying the Federal support to
10 the Secretary’s satisfaction: *Provided further*, That none
11 of the funds under this heading may be used to subsidize
12 operating losses of the Corporation: *Provided further*, That
13 none of the funds under this heading may be used for cap-
14 ital projects not approved by the Secretary of Transpor-
15 tation or on the Corporation’s fiscal year 2010 business
16 plan: *Provided further*, That in addition to the project
17 management oversight funds authorized under section
18 101(d) of division B of Public Law 110–432, the Sec-
19 retary may retain up to an additional one-half of one per-
20 cent of the funds provided under this heading to fund ex-
21 penses associated with implementing section 212 of divi-
22 sion B of Public Law 110–432, including the amendments
23 made by section 212 to section 24905 of title 49, United
24 States Code, and other mandates of Division B of Public
25 Law 110–432.

1 ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD

2 ADMINISTRATION

3 SEC. 150. Hereafter, notwithstanding any other pro-
4 vision of law, funds provided in this Act for the National
5 Railroad Passenger Corporation shall immediately cease
6 to be available to said Corporation in the event that the
7 Corporation contracts to have services provided at or from
8 any location outside the United States. For purposes of
9 this section, the word “services” shall mean any service
10 that was, as of July 1, 2006, performed by a full-time
11 or part-time Amtrak employee whose base of employment
12 is located within the United States.

13 SEC. 151. The Secretary of Transportation may re-
14 ceive and expend cash, or receive and utilize spare parts
15 and similar items, from non-United States Government
16 sources to repair damages to or replace United States
17 Government owned automated track inspection cars and
18 equipment as a result of third party liability for such dam-
19 ages, and any amounts collected under this section shall
20 be credited directly to the Safety and Operations account
21 of the Federal Railroad Administration, and shall remain
22 available until expended for the repair, operation and
23 maintenance of automated track inspection cars and
24 equipment in connection with the automated track inspec-
25 tion program.

1 FEDERAL TRANSIT ADMINISTRATION

2 ADMINISTRATIVE EXPENSES

3 For necessary administrative expenses of the Federal
4 Transit Administration's programs authorized by chapter
5 53 of title 49, United States Code, \$106,559,000: *Pro-*
6 *vided*, That for an additional amount to carry out public
7 transportation fixed guideway safety oversight activities,
8 \$24,139,000, if legislation authorizing such activities is
9 enacted into law prior to September 30, 2011: *Provided*
10 *further*, That of the funds available under this heading,
11 not to exceed \$2,200,000 shall be available for travel: *Pro-*
12 *vided further*, That none of the funds provided or limited
13 in this Act may be used to create a permanent office of
14 transit security under this heading: *Provided further*, That
15 upon submission to the Congress of the fiscal year 2012
16 President's budget, the Secretary of Transportation shall
17 transmit to Congress the annual report on new starts, in-
18 cluding proposed allocations of funds for fiscal year 2012.

19 FORMULA AND BUS GRANTS

20 (LIQUIDATION OF CONTRACT AUTHORITY)

21 (LIMITATION ON OBLIGATIONS)

22 (HIGHWAY TRUST FUND)

23 For payment of obligations incurred in carrying out
24 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
25 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and

1 section 3038 of Public Law 105–178, as amended,
 2 \$9,200,000,000 to be derived from the Mass Transit Ac-
 3 count of the Highway Trust Fund and to remain available
 4 until expended: *Provided*, That funds available for the im-
 5 plementation or execution of programs authorized under
 6 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
 7 5317, 5320, 5335, 5339, and 5340 and section 3038 of
 8 Public Law 105–178, as amended, shall not exceed total
 9 obligations of \$8,961,348,000 in fiscal year 2011: *Pro-*
 10 *vided further*, That of the amounts made available under
 11 this heading, \$250,000,000 shall be available for the Sec-
 12 retary of Transportation to make grants for the operating
 13 costs of equipment and facilities for use in public transpor-
 14 tation, if legislation authorizing such activities is enacted
 15 into law prior to September 30, 2011: *Provided further*,
 16 That eligible recipients under the previous proviso shall
 17 include States and designated recipients that receive fund-
 18 ing under sections 5307 and 5311 of title 49, United
 19 States Code.

20 RESEARCH AND UNIVERSITY RESEARCH CENTERS

21 For necessary expenses to carry out 49 U.S.C. 5306,
 22 5312–5315, 5322, and 5506, \$65,376,000, to remain
 23 available until expended: *Provided*, That \$10,000,000 is
 24 available to carry out the transit cooperative research pro-
 25 gram under section 5313 of title 49, United States Code,

1 \$4,300,000 is available for the National Transit Institute
2 under section 5315 of title 49, United States Code, and
3 \$7,000,000 is available for university transportation cen-
4 ters program under section 5506 of title 49, United States
5 Code: *Provided further*, That \$44,076,000 is available to
6 carry out national research programs under sections 5312,
7 5313, 5314, and 5322 of title 49, United States Code.

8 CAPITAL INVESTMENT GRANTS

9 For necessary expenses to carry out section 5309 of
10 title 49, United States Code, \$2,000,000,000, to remain
11 available until expended.

12 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

13 For grants to the Washington Metropolitan Area
14 Transit Authority as authorized under section 601 of divi-
15 sion B of Public Law 110–432, \$150,000,000, to remain
16 available until expended: *Provided*, That the Secretary
17 shall approve grants for capital and preventive mainte-
18 nance expenditures for the Washington Metropolitan Area
19 Transit Authority only after receiving and reviewing a re-
20 quest for each specific project: *Provided further*, That
21 prior to approving such grants, the Secretary shall deter-
22 mine that the Washington Metropolitan Area Transit Au-
23 thority has placed the highest priority on those invest-
24 ments that will improve the safety of the system.

1 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

2 ADMINISTRATION

3 SEC. 160. The limitations on obligations for the pro-
4 grams of the Federal Transit Administration shall not
5 apply to any authority under 49 U.S.C. 5338, previously
6 made available for obligation, or to any other authority
7 previously made available for obligation.

8 SEC. 161. Notwithstanding any other provision of
9 law, funds appropriated or limited by this Act under “Fed-
10 eral Transit Administration, Capital Investment Grants”
11 and for bus and bus facilities under “Federal Transit Ad-
12 ministration, Formula and Bus Grants” for projects speci-
13 fied in this Act or identified in reports accompanying this
14 Act not obligated by September 30, 2013, and other recov-
15 eries, shall be directed to projects eligible to use the funds
16 for the purposes for which they were originally provided.

17 SEC. 162. Notwithstanding any other provision of
18 law, any funds appropriated before October 1, 2010, under
19 any section of chapter 53 of title 49, United States Code,
20 that remain available for expenditure, may be transferred
21 to and administered under the most recent appropriation
22 heading for any such section.

23 SEC. 163. Notwithstanding any other provision of
24 law, unobligated funds made available for new fixed guide-
25 way system projects under the heading “Federal Transit

1 Administration, Capital investment grants” in any appro-
2 priations Act prior to this Act may be used during this
3 fiscal year to satisfy expenses incurred for such projects.

4 SEC. 164. Notwithstanding any other provision of
5 law, unobligated funds or recoveries under section 5309
6 of title 49, United States Code, that are available to the
7 Secretary of Transportation for reallocation shall be di-
8 rected to projects eligible to use the funds for the purposes
9 for which they were originally provided.

10 SAINT LAWRENCE SEAWAY DEVELOPMENT
11 CORPORATION

12 The Saint Lawrence Seaway Development Corpora-
13 tion is hereby authorized to make such expenditures, with-
14 in the limits of funds and borrowing authority available
15 to the Corporation, and in accord with law, and to make
16 such contracts and commitments without regard to fiscal
17 year limitations as provided by section 104 of the Govern-
18 ment Corporation Control Act, as amended, as may be
19 necessary in carrying out the programs set forth in the
20 Corporation’s budget for the current fiscal year.

21 OPERATIONS AND MAINTENANCE
22 (HARBOR MAINTENANCE TRUST FUND)

23 For necessary expenses for operations, maintenance,
24 and capital asset renewal of those portions of the Saint
25 Lawrence Seaway owned, operated, and maintained by the

1 Saint Lawrence Seaway Development Corporation,
2 \$33,868,000, to be derived from the Harbor Maintenance
3 Trust Fund, pursuant to Public Law 99–662.

4 MARITIME ADMINISTRATION

5 MARITIME SECURITY PROGRAM

6 For necessary expenses to maintain and preserve a
7 U.S.-flag merchant fleet to serve the national security
8 needs of the United States, \$174,000,000, to remain avail-
9 able until expended.

10 OPERATIONS AND TRAINING

11 For necessary expenses of operations and training ac-
12 tivities authorized by law, \$169,353,000, of which
13 \$11,240,000 shall remain available until expended for
14 maintenance and repair of training ships at State Mari-
15 time Academies, and of which \$30,900,000 shall remain
16 available until expended for capital improvements at the
17 United States Merchant Marine Academy, and of which
18 \$63,120,000 shall be available for operations at the
19 United States Merchant Marine Academy, and of which
20 \$6,000,000 shall be available until expended for the Sec-
21 retary's reimbursement of overcharged midshipmen fees:
22 *Provided*, That the Secretary, through such structure and
23 administration as the Secretary establishes, shall reim-
24 burse current and former midshipmen of United States
25 Merchant Marine Academy in such amounts as the Sec-

1 retary determines, in his sole discretion, to be appropriate
2 to address claims regarding the overcharging of mid-
3 shipman fees, pertaining first to academic years 2003/
4 2004 through 2008/2009, and then pertaining to earlier
5 academic years to the extent that the Secretary determines
6 to be appropriate and subject to the amounts specifically
7 appropriated herein for such reimbursements: *Provided*
8 *further*, That amounts apportioned for the United States
9 Merchant Marine Academy shall be available only upon
10 allotments made personally by the Secretary of Transpor-
11 tation or the Assistant Secretary for Budget and Pro-
12 grams: *Provided further*, That the Superintendent, Deputy
13 Superintendent and the Director of the Office of Resource
14 Management of the United States Merchant Marine Acad-
15 emy may not be allotment holders for the United States
16 Merchant Marine Academy, and the Administrator of
17 Maritime Administration shall hold all allotments made by
18 the Secretary of Transportation or the Assistant Secretary
19 for Budget and Programs under the previous proviso: *Pro-*
20 *vided further*, That 50 percent of the funding made avail-
21 able for the United States Merchant Marine Academy
22 under this heading shall be available only after the Sec-
23 retary, in consultation with the Superintendent and the
24 Maritime Administration, completes a plan detailing by
25 program or activity and by object class how such funding

1 will be expended at the Academy, and this plan is sub-
2 mitted to the House and Senate Committees on Appro-
3 priations.

4 SHIP DISPOSAL

5 For necessary expenses related to the disposal of ob-
6 solete vessels in the National Defense Reserve Fleet of the
7 Maritime Administration, \$10,000,000, to remain avail-
8 able until expended.

9 MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM

10 ACCOUNT

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary administrative expenses of the mari-
13 time guaranteed loan program, \$3,688,000 shall be paid
14 to the appropriation for “Operations and Training”, Mari-
15 time Administration.

16 ADMINISTRATIVE PROVISIONS—MARITIME

17 ADMINISTRATION

18 SEC. 170. Notwithstanding any other provision of
19 this Act, the Maritime Administration is authorized to fur-
20 nish utilities and services and make necessary repairs in
21 connection with any lease, contract, or occupancy involving
22 Government property under control of the Maritime Ad-
23 ministration, and payments received therefor shall be cred-
24 ited to the appropriation charged with the cost thereof:
25 *Provided*, That rental payments under any such lease, con-

1 tract, or occupancy for items other than such utilities,
 2 services, or repairs shall be covered into the Treasury as
 3 miscellaneous receipts.

4 PIPELINE AND HAZARDOUS MATERIALS SAFETY

5 ADMINISTRATION

6 OPERATIONAL EXPENSES

7 (PIPELINE SAFETY FUND)

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary operational expenses of the Pipeline
 10 and Hazardous Materials Safety Administration,
 11 \$22,383,000, of which \$639,000 shall be derived from the
 12 Pipeline Safety Fund: *Provided*, That \$1,000,000 shall be
 13 transferred to “Pipeline Safety” in order to fund “Pipeline
 14 Safety Information Grants to Communities” as authorized
 15 under section 60130 of title 49, United States Code.

16 HAZARDOUS MATERIALS SAFETY

17 For expenses necessary to discharge the hazardous
 18 materials safety functions of the Pipeline and Hazardous
 19 Materials Safety Administration, \$40,434,000, of which
 20 \$1,707,000 shall remain available until September 30,
 21 2013: *Provided*, That up to \$800,000 in fees collected
 22 under 49 U.S.C. 5108(g) shall be deposited in the general
 23 fund of the Treasury as offsetting receipts: *Provided fur-*
 24 *ther*, That there may be credited to this appropriation, to
 25 be available until expended, funds received from States,

1 counties, municipalities, other public authorities, and pri-
2 vate sources for expenses incurred for training, for reports
3 publication and dissemination, and for travel expenses in-
4 curred in performance of hazardous materials exemptions
5 and approvals functions.

6 PIPELINE SAFETY

7 (PIPELINE SAFETY FUND)

8 (OIL SPILL LIABILITY TRUST FUND)

9 For expenses necessary to conduct the functions of
10 the pipeline safety program, for grants-in-aid to carry out
11 a pipeline safety program, as authorized by 49 U.S.C.
12 60107, and to discharge the pipeline program responsibil-
13 ities of the Oil Pollution Act of 1990, \$111,111,000, of
14 which \$18,905,000 shall be derived from the Oil Spill Li-
15 ability Trust Fund and shall remain available until Sep-
16 tember 30, 2013; and of which \$92,206,000 shall be de-
17 rived from the Pipeline Safety Fund, of which
18 \$51,206,000 shall remain available until September 30,
19 2013: *Provided*, That not less than \$1,053,000 of the
20 funds provided under this heading shall be for the one-
21 call State grant program.

22 EMERGENCY PREPAREDNESS GRANTS

23 (EMERGENCY PREPAREDNESS FUND)

24 For necessary expenses to carry out 49 U.S.C.
25 5128(b), \$188,000, to be derived from the Emergency

1 Preparedness Fund, to remain available until September
 2 30, 2012: *Provided*, That not more than \$28,318,000 shall
 3 be made available for obligation in fiscal year 2011 from
 4 amounts made available by 49 U.S.C. 5116(i) and
 5 5128(b)-(c): *Provided further*, That none of the funds
 6 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
 7 shall be made available for obligation by individuals other
 8 than the Secretary of Transportation, or his designee.

9 RESEARCH AND INNOVATIVE TECHNOLOGY

10 ADMINISTRATION

11 RESEARCH AND DEVELOPMENT

12 For necessary expenses of the Research and Innova-
 13 tive Technology Administration, \$18,900,000, of which
 14 \$11,765,000 shall remain available until September 30,
 15 2013: *Provided*, That there may be credited to this appro-
 16 priation, to be available until expended, funds received
 17 from States, counties, municipalities, other public authori-
 18 ties, and private sources for expenses incurred for train-
 19 ing.

20 OFFICE OF INSPECTOR GENERAL

21 SALARIES AND EXPENSES

22 For necessary expenses of the Office of Inspector
 23 General to carry out the provisions of the Inspector Gen-
 24 eral Act of 1978, as amended, \$86,406,000, of which
 25 \$285,000 shall be derived from the Highway Trust Fund

1 (other than the Mass Transit Account) for costs associ-
 2 ated with the annual audits of the Highway Trust Fund
 3 financial statements in accordance with section 104(i) of
 4 title 23, United States Code, and section 3521 of title 31,
 5 United States Code: *Provided*, That the Inspector General
 6 shall have all necessary authority, in carrying out the du-
 7 ties specified in the Inspector General Act, as amended
 8 (5 U.S.C. App. 3), to investigate allegations of fraud, in-
 9 cluding false statements to the government (18 U.S.C.
 10 1001), by any person or entity that is subject to regulation
 11 by the Department: *Provided further*, That the funds made
 12 available under this heading may be used to investigate,
 13 pursuant to section 41712 of title 49, United States Code:
 14 (1) unfair or deceptive practices and unfair methods of
 15 competition by domestic and foreign air carriers and ticket
 16 agents; and (2) the compliance of domestic and foreign
 17 air carriers with respect to item (1) of this proviso.

18 SURFACE TRANSPORTATION BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Surface Transpor-
 21 tation Board, including services authorized by 5 U.S.C.
 22 3109, \$31,249,000: *Provided*, That notwithstanding any
 23 other provision of law, not to exceed \$1,250,000 from fees
 24 established by the Chairman of the Surface Transpor-
 25 tation Board shall be credited to this appropriation as off-

1 setting collections and used for necessary and authorized
2 expenses under this heading: *Provided further*, That the
3 sum herein appropriated from the general fund shall be
4 reduced on a dollar-for-dollar basis as such offsetting col-
5 lections are received during fiscal year 2011, to result in
6 a final appropriation from the general fund estimated at
7 no more than \$29,999,000.

8 GENERAL PROVISIONS—DEPARTMENT OF
9 TRANSPORTATION

10 SEC. 180. During the current fiscal year applicable
11 appropriations to the Department of Transportation shall
12 be available for maintenance and operation of aircraft;
13 hire of passenger motor vehicles and aircraft; purchase of
14 liability insurance for motor vehicles operating in foreign
15 countries on official department business; and uniforms or
16 allowances therefor, as authorized by law (5 U.S.C. 5901–
17 5902).

18 SEC. 181. Appropriations contained in this Act for
19 the Department of Transportation shall be available for
20 services as authorized by 5 U.S.C. 3109, but at rates for
21 individuals not to exceed the per diem rate equivalent to
22 the rate for an Executive Level IV.

23 SEC. 182. None of the funds in this Act shall be avail-
24 able for salaries and expenses of more than 110 political
25 and Presidential appointees in the Department of Trans-

1 portation: *Provided*, That none of the personnel covered
2 by this provision may be assigned on temporary detail out-
3 side the Department of Transportation.

4 SEC. 183. None of the funds in this Act shall be used
5 to implement section 404 of title 23, United States Code.

6 SEC. 184. (a) No recipient of funds made available
7 in this Act shall disseminate personal information (as de-
8 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
9 ment of motor vehicles in connection with a motor vehicle
10 record as defined in 18 U.S.C. 2725(1), except as provided
11 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
12 2721.

13 (b) Notwithstanding subsection (a), the Secretary
14 shall not withhold funds provided in this Act for any
15 grantee if a State is in noncompliance with this provision.

16 SEC. 185. Funds received by the Federal Highway
17 Administration, Federal Transit Administration, and Fed-
18 eral Railroad Administration from States, counties, mu-
19 nicipalities, other public authorities, and private sources
20 for expenses incurred for training may be credited respec-
21 tively to the Federal Highway Administration's "Federal-
22 Aid Highways" account, the Federal Transit Administra-
23 tion's "Research and University Research Centers" ac-
24 count, and to the Federal Railroad Administration's
25 "Safety and Operations" account, except for State rail

1 safety inspectors participating in training pursuant to 49
2 U.S.C. 20105.

3 SEC. 186. Funds provided or limited in this Act
4 under the appropriate accounts within the Federal High-
5 way Administration, the Federal Railroad Administration
6 and the Federal Transit Administration shall be for the
7 eligible programs, projects and activities in the cor-
8 responding amounts identified in the committee report ac-
9 companying this Act for “Ferry Boats and Ferry Ter-
10 minal Facilities”, “Federal Lands”, “Interstate Mainte-
11 nance Discretionary”, “Transportation, Community and
12 System Preservation Program”, “Delta Region Transpor-
13 tation Development Program”, “Rail Line Relocation and
14 Improvement Program”, “Rail-highway crossing hazard
15 eliminations”, “Capital Investment Grants”, “Alternatives
16 analysis’ ”, and “Bus and bus facilities”.

17 SEC. 187. Notwithstanding any other provisions of
18 law, rule or regulation, the Secretary of Transportation
19 is authorized to allow the issuer of any preferred stock
20 heretofore sold to the Department to redeem or repur-
21 chase such stock upon the payment to the Department of
22 an amount determined by the Secretary.

23 SEC. 188. None of the funds in this Act to the De-
24 partment of Transportation may be used to make a grant
25 unless the Secretary of Transportation notifies the House

1 and Senate Committees on Appropriations not less than
2 3 full business days before any discretionary grant award,
3 letter of intent, or full funding grant agreement totaling
4 \$1,000,000 or more is announced by the department or
5 its modal administrations from: (1) any discretionary
6 grant program of the Federal Highway Administration in-
7 cluding the emergency relief program; (2) the airport im-
8 provement program of the Federal Aviation Administra-
9 tion; (3) any grant from the Federal Railroad Administra-
10 tion; or (4) any program of the Federal Transit Adminis-
11 tration other than the formula grants and fixed guideway
12 modernization programs: *Provided*, That the Secretary
13 gives concurrent notification to the House and Senate
14 Committees on Appropriations for any “quick release” of
15 funds from the emergency relief program: *Provided fur-*
16 *ther*, That no notification shall involve funds that are not
17 available for obligation.

18 SEC. 189. Rebates, refunds, incentive payments,
19 minor fees and other funds received by the Department
20 of Transportation from travel management centers,
21 charge card programs, the subleasing of building space,
22 and miscellaneous sources are to be credited to appropria-
23 tions of the Department of Transportation and allocated
24 to elements of the Department of Transportation using

1 fair and equitable criteria and such funds shall be avail-
2 able until expended.

3 SEC. 190. Amounts made available in this or any
4 other Act that the Secretary determines represent im-
5 proper payments by the Department of Transportation to
6 a third-party contractor under a financial assistance
7 award, which are recovered pursuant to law, shall be avail-
8 able—

9 (1) to reimburse the actual expenses incurred
10 by the Department of Transportation in recovering
11 improper payments; and

12 (2) to pay contractors for services provided in
13 recovering improper payments or contractor support
14 in the implementation of the Improper Payments In-
15 formation Act of 2002: *Provided*, That amounts in
16 excess of that required for paragraphs (1) and (2)—

17 (A) shall be credited to and merged with
18 the appropriation from which the improper pay-
19 ments were made, and shall be available for the
20 purposes and period for which such appropria-
21 tions are available; or

22 (B) if no such appropriation remains avail-
23 able, shall be deposited in the Treasury as mis-
24 cellaneous receipts: *Provided further*, That prior
25 to the transfer of any such recovery to an ap-

1 appropriations account, the Secretary shall notify
2 to the House and Senate Committees on Appro-
3 priations of the amount and reasons for such
4 transfer: *Provided further*, That for purposes of
5 this section, the term “improper payments”,
6 has the same meaning as that provided in sec-
7 tion 2(d)(2) of Public Law 107–300.

8 SEC. 191. Notwithstanding any other provision of
9 law, if any funds provided in or limited by this Act are
10 subject to a reprogramming action that requires notice to
11 be provided to the House and Senate Committees on Ap-
12 propriations, said reprogramming action shall be approved
13 or denied solely by the Committees on Appropriations:
14 *Provided*, That the Secretary may provide notice to other
15 congressional committees of the action of the Committees
16 on Appropriations on such reprogramming but not sooner
17 than 30 days following the date on which the reprogram-
18 ming action has been approved or denied by the House
19 and Senate Committees on Appropriations.

20 SEC. 192. None of the funds appropriated or other-
21 wise made available under this Act may be used by the
22 Surface Transportation Board of the Department of
23 Transportation to charge or collect any filing fee for rate
24 complaints filed with the Board in an amount in excess

1 of the amount authorized for district court civil suit filing
2 fees under section 1914 of title 28, United States Code.

3 SEC. 193. Notwithstanding section 3324 of Title 31,
4 United States Code, in addition to authority provided by
5 section 327 of title 49, United States Code, the Depart-
6 ment's Working Capital Fund is hereby authorized to pro-
7 vide payments in advance to vendors that are necessary
8 to carry out the Federal transit pass transportation fringe
9 benefit program under Executive Order No. 13150 and
10 section 3049 of Public Law 109–59: *Provided*, that the
11 Department shall include adequate safeguards in the con-
12 tract with the vendors to ensure timely and high quality
13 performance under the contract.

14 SEC. 194. For an additional amount for the “Salaries
15 and Expenses” account, \$7,622,655, to increase the De-
16 partment's acquisition workforce capacity and capabilities:
17 *Provided*, That such funds may be transferred by the Sec-
18 retary to any other account in the Department to carry
19 out the purposes provided herein: *Provided further*, That
20 such transfer authority is in addition to any other transfer
21 authority provided in this Act: *Provided further*, That such
22 funds shall be available only to supplement and not to sup-
23 plant existing acquisition workforce activities: *Provided*
24 *further*, That such funds shall be available for training,
25 recruitment, retention, and hiring additional members of

1 the acquisition workforce as defined by the Office of Fed-
 2 eral Procurement Policy Act, as amended (41 U.S.C. 401
 3 et seq.): *Provided further*, That such funds shall be avail-
 4 able for information technology in support of acquisition
 5 workforce effectiveness or for management solutions to
 6 improve acquisition management.

7 This title may be cited as the “Department of Trans-
 8 portation Appropriations Act, 2011”.

9 TITLE II
 10 DEPARTMENT OF HOUSING AND URBAN
 11 DEVELOPMENT
 12 MANAGEMENT AND ADMINISTRATION
 13 EXECUTIVE DIRECTION

14 For necessary salaries and expenses for Executive Di-
 15 rection, \$30,265,000, of which not to exceed \$7,674,000
 16 shall be available for the immediate Office of the Secretary
 17 and Deputy Secretary; not to exceed \$1,706,000 shall be
 18 available for the Office of Hearings and Appeals; not to
 19 exceed \$719,000 shall be available for the Office of Small
 20 and Disadvantaged Business Utilization; not to exceed
 21 \$999,000 shall be available for the immediate Office of
 22 the Chief Financial Officer; not to exceed \$1,503,000 shall
 23 be available for the immediate Office of the General Coun-
 24 sel; not to exceed \$2,709,000 shall be available to the Of-
 25 fice of the Assistant Secretary for Congressional and

1 Intergovernmental Relations; not to exceed \$4,861,000
2 shall be available for the Office of the Assistant Secretary
3 for Public Affairs; not to exceed \$2,163,000 shall be avail-
4 able to the Office of the Assistant Secretary for Public
5 and Indian Housing; not to exceed \$1,755,000 shall be
6 available to the Office of the Assistant Secretary for Com-
7 munity Planning and Development; not to exceed
8 \$3,565,000 shall be available to the Office of the Assistant
9 Secretary for Housing, Federal Housing Commissioner;
10 not to exceed \$1,117,000 shall be available to the Office
11 of the Assistant Secretary for Policy Development and Re-
12 search; not to exceed \$945,000 shall be available to the
13 Office of the Assistant Secretary for Fair Housing and
14 Equal Opportunity; and not to exceed \$549,000 shall be
15 available to the Office of the Chief Operating Officer: *Pro-*
16 *vided*, That the Secretary of the Department of Housing
17 and Urban Development is authorized to transfer funds
18 appropriated for any office funded under this heading to
19 any other office funded under this heading following the
20 written notification to the House and Senate Committees
21 on Appropriations: *Provided further*, That no appropria-
22 tion for any office shall be increased or decreased by more
23 than 5 percent by all such transfers: *Provided further*,
24 That notice of any change in funding greater than 5 per-
25 cent shall be submitted for prior approval to the House

1 and Senate Committees on Appropriations: *Provided fur-*
2 *ther*, That the Secretary shall provide the Committees on
3 Appropriations quarterly written notification regarding
4 the status of pending congressional reports: *Provided fur-*
5 *ther*, That the Secretary shall provide all signed reports
6 required by Congress electronically: *Provided further*, That
7 not to exceed \$25,000 of the amount made available under
8 this paragraph for the immediate Office of the Secretary
9 shall be available for official reception and representation
10 expenses as the Secretary may determine: *Provided Fur-*
11 *ther*, That the Secretary shall notify the Committees on
12 Appropriations one month before any of the funds made
13 available under this heading may be used for international
14 travel.

15 ADMINISTRATION, OPERATIONS AND MANAGEMENT

16 For necessary salaries and expenses for administra-
17 tion, operations and management for the Department of
18 Housing and Urban Development, \$538,552,000 (reduced
19 by \$21,000,000) (reduced by \$20,000,000), of which not
20 to exceed \$65,049,000 shall be available for the personnel
21 compensation and benefits of the Office of the Chief
22 Human Capital Officer; not to exceed \$9,122,000 shall be
23 available for the personnel compensation and benefits of
24 the Office of Departmental Operations and Coordination;
25 not to exceed \$49,090,000 shall be available for the per-

1 sonnel compensation and benefits of the Office of Field
2 Policy and Management; not to exceed \$13,861,000 shall
3 be available for the personnel compensation and benefits
4 of the Office of the Chief Procurement Officer; not to ex-
5 ceed \$33,831,000 shall be available for the personnel com-
6 pensation and benefits of the remaining staff in the Office
7 of the Chief Financial Officer; not to exceed \$86,482,000
8 shall be available for the personnel compensation and ben-
9 efits of the remaining staff in the Office of the General
10 Counsel; not to exceed \$3,115,000 shall be available for
11 the personnel compensation and benefits of the Office of
12 Departmental Equal Employment Opportunity; not to ex-
13 ceed \$1,316,000 shall be available for the personnel com-
14 pensation and benefits for the Center for Faith-Based and
15 Community Initiatives; not to exceed \$2,887,000 shall be
16 available for the personnel compensation and benefits for
17 the Office of Sustainability; not to exceed \$4,445,000 shall
18 be available for the personnel compensation and benefits
19 for the Office of Strategic Planning and Management; not
20 to exceed \$4,875,000 shall be available for the personnel
21 compensation and benefits for the Office of the Chief Dis-
22 aster and Emergency Management Officer; and not to ex-
23 ceed \$264,479,000 (reduced by \$21,000,000) (reduced by
24 \$20,000,000) shall be available for non-personnel expenses
25 of the Department of Housing and Urban Development:

1 *Provided*, That, funds provided under this heading may
2 be used for necessary administrative and non-administra-
3 tive expenses of the Department of Housing and Urban
4 Development, not otherwise provided for, including pur-
5 chase of uniforms, or allowances therefor, as authorized
6 by 5 U.S.C. 5901–5902; hire of passenger motor vehicles;
7 services as authorized by 5 U.S.C. 3109: *Provided further*,
8 That notwithstanding any other provision of law, funds
9 appropriated under this heading may be used for adver-
10 tising and promotional activities that support the housing
11 mission area: *Provided further*, That the Secretary of
12 Housing and Urban Development is authorized to transfer
13 funds appropriated for any office included in Administra-
14 tion, Operations and Management to any other office in-
15 cluded in Administration, Operations and Management
16 only after such transfer has been submitted to, and re-
17 ceived prior written approval by, the House and Senate
18 Committees on Appropriations: *Provided further*, That no
19 appropriation for any office shall be increased or de-
20 creased by more than 10 percent by all such transfers.
21 *Provided Further*, That the Secretary shall notify the Com-
22 mittees on Appropriations one month before any of the
23 funds made available under this heading may be used for
24 international travel.

1 PERSONNEL COMPENSATION AND BENEFITS

2 PUBLIC AND INDIAN HOUSING

3 For necessary personnel compensation and benefits
4 expenses of the Office of Public and Indian Housing,
5 \$197,282,000.

6 COMMUNITY PLANNING AND DEVELOPMENT

7 For necessary personnel compensation and benefits
8 expenses of the Office of Community Planning and Devel-
9 opment mission area, \$105,768,000.

10 HOUSING

11 For necessary personnel compensation and benefits
12 expenses of the Office of Housing, \$395,917,000.

13 OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE

14 ASSOCIATION

15 For necessary personnel compensation and benefits
16 expenses of the Office of the Government National Mort-
17 gage Association, \$10,902,000, to be derived from the
18 GNMA guarantees of mortgage backed securities guaran-
19 teed loan receipt account.

20 POLICY DEVELOPMENT AND RESEARCH

21 For necessary personnel compensation and benefits
22 expenses of the Office of Policy Development and Re-
23 search, \$23,588,000 (reduced by \$2,978,450).

1 FAIR HOUSING AND EQUAL OPPORTUNITY

2 For necessary personnel compensation and benefits
3 expenses of the Office of Fair Housing and Equal Oppor-
4 tunity, \$67,964,000.

5 OFFICE OF HEALTHY HOMES AND LEAD HAZARD
6 CONTROL

7 For necessary personnel compensation and benefits
8 expenses of the Office of Healthy Homes and Lead Haz-
9 ard Control, \$6,762,000.

10 PUBLIC AND INDIAN HOUSING

11 TENANT-BASED RENTAL ASSISTANCE

12 (INCLUDING TRANSFER OF FUNDS)

13 For activities and assistance for the provision of ten-
14 ant-based rental assistance authorized under the United
15 States Housing Act of 1937, as amended (42 U.S.C. 1437
16 et seq.) (“the Act” herein), not otherwise provided for,
17 \$15,395,663,000, to remain available until expended, shall
18 be available on October 1, 2010 (in addition to the
19 \$4,000,000,000 previously appropriated under this head-
20 ing that will become available on October 1, 2010), and
21 \$4,000,000,000, to remain available until expended, shall
22 be available on October 1, 2011: *Provided*, That of the
23 amounts made available under this heading are provided
24 as follows:

1 (1) \$17,080,000,000 shall be available for re-
2 newals of expiring section 8 tenant-based annual
3 contributions contracts (including renewals of en-
4 hanced vouchers under any provision of law author-
5 izing such assistance under section 8(t) of the Act)
6 and including renewal of other special purpose
7 vouchers initially funded in fiscal years 2009 and
8 2010 (such as Family Unification, Veterans Affairs
9 Supportive Housing Vouchers and Non-elderly Dis-
10 abled Vouchers): *Provided*, That notwithstanding
11 any other provision of law, from amounts provided
12 under this paragraph and any carryover, the Sec-
13 retary for the calendar year 2011 funding cycle shall
14 provide renewal funding for each public housing
15 agency based on validated voucher management sys-
16 tem (VMS) leasing and cost data for calendar year
17 2010 and by applying the most recent 12 months of
18 the Annual Adjustment Factor as established by the
19 Secretary, and by making any necessary adjustments
20 for the costs associated with the first-time renewal
21 of vouchers under this paragraph including tenant
22 protection, and HOPE VI vouchers: *Provided fur-*
23 *ther*, That none of the funds provided under this
24 paragraph may be used to fund a total number of
25 unit months under lease which exceeds a public

1 housing agency's authorized level of units under con-
2 tract, except for public housing agencies partici-
3 pating in the Moving to Work demonstration, which
4 are instead governed by the terms and conditions of
5 their MTW agreements: *Provided further*, That the
6 Secretary shall, to the extent necessary to stay with-
7 in the amount specified under this paragraph, pro
8 rate each public housing agency's allocation other-
9 wise established pursuant to this paragraph: *Pro-*
10 *vided further*, That except as provided in the fol-
11 lowing provisos, the entire amount specified under
12 this paragraph shall be obligated to the public hous-
13 ing agencies based on the allocation and pro rata
14 method described above, and the Secretary shall no-
15 tify public housing agencies of their annual budget
16 not later than 60 days after enactment of this Act:
17 *Provided further*, That the Secretary may extend the
18 60-day notification period with prior written ap-
19 proval of the House and Senate Committees on Ap-
20 propriations: *Provided further*, That public housing
21 agencies participating in the Moving to Work dem-
22 onstration shall be funded pursuant to their Moving
23 to Work agreements and shall be subject to the
24 same pro rata adjustments under the previous pro-
25 visos: *Provided further*, That up to \$150,000,000

1 shall be available only: (1) to adjust the allocations
2 for public housing agencies, after application for an
3 adjustment by a public housing agency that experi-
4 enced a significant increase, as determined by the
5 Secretary, in renewal costs of tenant-based rental
6 assistance resulting from unforeseen circumstances
7 or from portability under section 8(r) of the Act; (2)
8 for vouchers that were not in use during the 12-
9 month period in order to be available to meet a com-
10 mitment pursuant to section 8(o)(13) of the Act; (3)
11 for any increase in the costs associated with deposits
12 to family self-sufficiency program escrow accounts;
13 (4) for onetime adjustments of renewal funding for
14 Public Housing Agencies in receivership with ap-
15 proved fungibility plans for calendar year 2009 as
16 authorized in Section 11003 of the Consolidated Se-
17 curity, Disaster Assistance, and Continuing Appro-
18 priations Act, 2009 (Public Law 110–329); or (5) to
19 adjust allocations for public housing agencies to pre-
20 vent termination of assistance to families receiving
21 assistance under the disaster voucher program, as
22 authorized by Public Law 109–148 under the head-
23 ing “Tenant-Based Rental Assistance”: *Provided*
24 *further*, That the Secretary shall allocate amounts
25 under the previous proviso based on need as deter-

1 mined by the Secretary: *Provided further*, That of
2 the amounts made available under this paragraph,
3 up to \$100,000,000 may be transferred to and
4 merged with the appropriation for “Transformation
5 Initiative”;

6 (2) \$125,000,000 shall be for section 8 rental
7 assistance for relocation and replacement of housing
8 units that are demolished or disposed of pursuant to
9 the Omnibus Consolidated Rescissions and Appro-
10 priations Act of 1996 (Public Law 104–134), con-
11 version of section 23 projects to assistance under
12 section 8, the family unification program under sec-
13 tion 8(x) of the Act, relocation of witnesses in con-
14 nection with efforts to combat crime in public and
15 assisted housing pursuant to a request from a law
16 enforcement or prosecution agency, enhanced vouch-
17 ers under any provision of law authorizing such as-
18 sistance under section 8(t) of the Act, HOPE VI
19 vouchers, mandatory and voluntary conversions, and
20 tenant protection assistance including replacement
21 and relocation assistance or for project based assist-
22 ance to prevent the displacement of unassisted elder-
23 ly tenants currently residing in section 202 prop-
24 erties financed between 1959 and 1974 that are re-fi-
25 nanced pursuant to Public Law 106–569, as amend-

1 ed, or under the authority as provided under this
2 Act: *Provided*, That the Secretary shall provide re-
3 placement vouchers for all units that were occupied
4 within the previous 24 months that cease to be avail-
5 able as assisted housing, subject only to the avail-
6 ability of funds;

7 (3) \$1,851,000,000 shall be for administrative
8 and other expenses of public housing agencies in ad-
9 ministering the section 8 tenant-based rental assist-
10 ance program, of which up to \$50,000,000 shall be
11 available to the Secretary to allocate to public hous-
12 ing agencies that need additional funds to admin-
13 ister their section 8 programs, including fees associ-
14 ated with section 8 tenant protection rental assist-
15 ance, the administration of disaster related vouchers,
16 Veterans Affairs Supportive Housing vouchers, and
17 other incremental vouchers: *Provided*, That no less
18 than \$1,741,000,000 of the amount provided in this
19 paragraph shall be allocated to public housing agen-
20 cies for the calendar year 2011 funding cycle based
21 on section 8(q) of the Act (and related Appropria-
22 tion Act provisions) as in effect immediately before
23 the enactment of the Quality Housing and Work Re-
24 sponsibility Act of 1998 (Public Law 105–276): *Pro-*
25 *vided further*, That if the amounts made available

1 under this paragraph are insufficient to pay the
2 amounts determined under the previous proviso, the
3 Secretary may decrease the amounts allocated to
4 agencies by a uniform percentage applicable to all
5 agencies receiving funding under this paragraph or
6 may, to the extent necessary to provide full payment
7 of amounts determined under the previous proviso,
8 utilize unobligated balances, including recaptures
9 and carryovers, remaining from funds appropriated
10 to the Department of Housing and Urban Develop-
11 ment under this heading, for fiscal year 2010 and
12 prior fiscal years, notwithstanding the purposes for
13 which such amounts were appropriated: *Provided*
14 *further*, That amounts provided under this para-
15 graph shall be only for activities related to the provi-
16 sion of tenant-based rental assistance authorized
17 under section 8, including related development ac-
18 tivities: *Provided further*, That \$60,000,000 shall be
19 available for family self-sufficiency coordinators
20 under section 23 of the Act: *Provided further*, That
21 amounts provided for family self-sufficiency coordi-
22 nators shall be obligated to the public housing agen-
23 cies not later than 60 days after enactment of this
24 Act;

1 (4) \$113,663,183 for renewal of tenant-based
2 assistance contracts under section 811 of the Cran-
3 ston-Gonzalez National Affordable Housing Act (42
4 U.S.C. 8013) entered into prior to fiscal year 2007;

5 (5) \$75,000,000 for incremental rental voucher
6 assistance for use through a supported housing pro-
7 gram administered in conjunction with the Depart-
8 ment of Veterans Affairs as authorized under section
9 8(o)(19) of the United States Housing Act of 1937:

10 *Provided*, That the Secretary of Housing and Urban
11 Development shall make such funding available, not-
12 withstanding section 204 (competition provision) of
13 this title, to public housing agencies that partner
14 with eligible VA Medical Centers or other entities as
15 designated by the Secretary of the Department of
16 Veterans Affairs, based on geographical need for
17 such assistance as identified by the Secretary of the
18 Department of Veterans Affairs, public housing
19 agency administrative performance, and other fac-
20 tors as specified by the Secretary of Housing and
21 Urban Development in consultation with the Sec-
22 retary of the Department of Veterans Affairs: *Pro-*
23 *vided further*, That the Secretary of Housing and
24 Urban Development may waive, or specify alter-
25 native requirements for (in consultation with the

1 Secretary of the Department of Veterans Affairs),
2 any provision of any statute or regulation that the
3 Secretary of Housing and Urban Development ad-
4 ministers in connection with the use of funds made
5 available under this paragraph (except for require-
6 ments related to fair housing, nondiscrimination,
7 labor standards, and the environment), upon a find-
8 ing by the Secretary that any such waivers or alter-
9 native requirements are necessary for the effective
10 delivery and administration of such voucher assist-
11 ance: *Provided further*, That assistance made avail-
12 able under this paragraph shall continue to remain
13 available for homeless veterans upon turn-over;

14 (6) Up to \$66,000,000 for incremental tenant-
15 based assistance for eligible families assisted under
16 the Disaster Housing Assistance Program for Hurri-
17 canes Ike and Gustav: *Provided*, That these vouchers
18 will not be re-issued when families leave the pro-
19 gram;

20 (7) \$85,000,000 for incremental voucher assist-
21 ance under section 8(o) of the United States Hous-
22 ing Act of 1937, including related administrative ex-
23 penses, for two competitive demonstration programs
24 to address the needs of families and individuals who
25 are homeless or at risk of homelessness, as defined

1 by the Secretary of Housing and Urban Develop-
2 ment, to be administered by the Department of
3 Housing and Urban Development in conjunction
4 with the Department of Health and Human Services
5 and the Department of Education: *Provided*, That
6 one demonstration program shall make funding
7 available to public housing agencies that: (1) partner
8 with eligible state or local entities responsible for
9 distributing Temporary Assistance for Needy Fami-
10 lies (TANF) and other health and human services as
11 designated by the Secretary of the Department of
12 Health and Human Services; and (2) partner with
13 school homelessness liaisons funded through the De-
14 partment of Education's Education for Homeless
15 Children and Youths program: *Provided further*,
16 That the other demonstration program shall make
17 funding available to public housing agencies that
18 partner with eligible state Medicaid agencies and
19 state behavioral health entities as designated by the
20 Secretary of the Department of Health and Human
21 Services to provide housing in conjunction with Med-
22 icaid case management, substance abuse treatment,
23 and mental health services: *Provided further*, That
24 the Secretary of Housing and Urban Development
25 shall make the funding specified in this subsection

1 available through such allocation procedures as the
2 Secretary determines to be appropriate, notwith-
3 standing section 213 of the Housing and Community
4 Development Act of 1974 (42 U.S.C. 1439) and sec-
5 tion 204 (competition provision) of this title, to enti-
6 ties with demonstrated experience and that meet
7 such other requirements as determined by the Sec-
8 retary: *Provided further*, That the Secretary of
9 Housing and Urban Development may waive, or
10 specify alternative requirements for any provision of
11 any statute or regulation that the Secretary of
12 Housing and Urban Development administers in
13 connection with the use of funds made available
14 under this paragraph (except for requirements re-
15 lated to fair housing, nondiscrimination, labor stand-
16 ards, and the environment), upon a finding by the
17 Secretary that any such waivers or alternative re-
18 quirements are necessary for the effective delivery
19 and administration of such voucher assistance: *Pro-*
20 *vided further*, That the Secretary shall publish in the
21 Federal Register any waiver of any statute or regu-
22 lation that the Secretary administers pursuant to
23 this subsection no later than 10 days before the ef-
24 fective date of such waiver: *Provided further*, That
25 assistance made available under this subsection shall

1 continue to remain available for these purposes upon
2 turn-over.

3 HOUSING CERTIFICATE FUND

4 Unobligated balances, including recaptures and car-
5 ryover, remaining from funds appropriated to the Depart-
6 ment of Housing and Urban Development under this
7 heading, the heading “Annual Contributions for Assisted
8 Housing” and the heading “Project-Based Rental Assist-
9 ance”, for fiscal year 2011 and prior years may be used
10 for renewal of or amendments to section 8 project-based
11 contracts and for performance-based contract administra-
12 tors, notwithstanding the purposes for which such funds
13 were appropriated: *Provided*, That any obligated balances
14 of contract authority from fiscal year 1974 and prior that
15 have been terminated shall be cancelled: *Provided further*,
16 That amounts heretofore recaptured, or recaptured during
17 the current fiscal year, from project-based Section 8 con-
18 tracts from source years fiscal year 1975 through fiscal
19 year 1987 are hereby rescinded, and an amount of addi-
20 tional new budget authority, equivalent to the amount re-
21 scinded is hereby appropriated, to remain available until
22 expended, for the purposes set forth under this heading,
23 in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) \$2,500,000,000, to remain available until September 30, 2014: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2011 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to \$15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed \$20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs resulting

1 from unforeseen or unpreventable emergencies and nat-
 2 ural disasters excluding Presidentially declared emer-
 3 gencies and natural disasters under the Robert T. Stafford
 4 Disaster Relief and Emergency Act (42 U.S.C. 5121 et
 5 seq.) occurring in fiscal year 2011: *Provided further*, That
 6 of the total amount provided under this heading,
 7 \$50,000,000 shall be for supportive services, service coor-
 8 dinators and congregate services as authorized by section
 9 34 of the Act (42 U.S.C. 1437z-6) and the Native Amer-
 10 ican Housing Assistance and Self-Determination Act of
 11 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That a
 12 Notice of Funding Availability for the funds provided in
 13 the previous proviso shall be issued not later than 60 days
 14 after enactment of this Act: *Provided further*, That of the
 15 total amount provided under this heading up to
 16 \$8,820,000 is to support the costs of administrative and
 17 judicial receiverships: *Provided further*, That from the
 18 funds made available under this heading, the Secretary
 19 shall provide bonus awards in fiscal year 2011 to public
 20 housing agencies that are designated high performers.

21 PUBLIC HOUSING OPERATING FUND

22 For 2011 payments to public housing agencies for the
 23 operation and management of public housing, as author-
 24 ized by section 9(e) of the United States Housing Act of
 25 1937 (42 U.S.C. 1437g(e)), \$4,829,000,000.

1 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
2 HOUSING (HOPE VI)

3 For grants to public housing agencies for demolition,
4 site revitalization, replacement housing, and tenant-based
5 assistance grants to projects as authorized by section 24
6 of the United States Housing Act of 1937 (42 U.S.C.
7 1437v), \$200,000,000, to remain available until Sep-
8 tember 30, 2012, of which the Secretary of Housing and
9 Urban Development may use up to \$5,000,000 for tech-
10 nical assistance and contract expertise, to be provided di-
11 rectly or indirectly by grants, contracts or cooperative
12 agreements, including training and cost of necessary travel
13 for participants in such training, by or to officials and em-
14 ployees of the department and of public housing agencies
15 and to residents: *Provided*, That none of such funds shall
16 be used directly or indirectly by granting competitive ad-
17 vantage in awards to settle litigation or pay judgments,
18 unless expressly permitted herein: *Provided further*, That
19 a Notice of Funding Availability for the funds provided
20 under this heading shall be issued not later than 60 days
21 after enactment of this Act.

22 NATIVE AMERICAN HOUSING BLOCK GRANTS

23 For the Native American Housing Block Grants pro-
24 gram, as authorized under title I of the Native American
25 Housing Assistance and Self-Determination Act of 1996

1 (NAHASDA) (25 U.S.C. 4111 et seq.), \$700,000,000, to
2 remain available until expended: *Provided*, That, notwith-
3 standing the Native American Housing Assistance and
4 Self-Determination Act of 1996, to determine the amount
5 of the allocation under title I of such Act for each Indian
6 tribe, the Secretary shall apply the formula under section
7 302 of such Act with the need component based on single-
8 race Census data and with the need component based on
9 multi-race Census data, and the amount of the allocation
10 for each Indian tribe shall be the greater of the two result-
11 ing allocation amounts: *Provided further*, That the Depart-
12 ment shall notify grantees of their formula allocation with-
13 in 60 days of enactment of this Act: *Provided further*, That
14 of the amounts made available under this heading,
15 \$3,500,000 shall be contracted for assistance for a na-
16 tional organization representing Native American housing
17 interests for providing training and technical assistance to
18 Indian housing authorities and tribally designated housing
19 entities as authorized under NAHASDA; and \$4,250,000
20 shall be to support the inspection of Indian housing units,
21 contract expertise, training, and technical assistance in
22 the training, oversight, and management of such Indian
23 housing and tenant-based assistance, including up to
24 \$300,000 for related travel: *Provided further*, That of the
25 amount provided under this heading, \$2,000,000 shall be

1 made available for the cost of guaranteed notes and other
 2 obligations, as authorized by title VI of NAHASDA: *Pro-*
 3 *vided further*, That such costs, including the costs of modi-
 4 fying such notes and other obligations, shall be as defined
 5 in section 502 of the Congressional Budget Act of 1974,
 6 as amended: *Provided further*, That these funds are avail-
 7 able to subsidize the total principal amount of any notes
 8 and other obligations, any part of which is to be guaran-
 9 teed, not to exceed \$20,000,000.

10 NATIVE HAWAIIAN HOUSING BLOCK GRANT

11 For the Native Hawaiian Housing Block Grant pro-
 12 gram, as authorized under title VIII of the Native Amer-
 13 ican Housing Assistance and Self-Determination Act of
 14 1996 (25 U.S.C. 4111 et seq.), \$10,000,000, to remain
 15 available until expended: *Provided*, That of this amount,
 16 \$300,000 shall be for training and technical assistance ac-
 17 tivities, including up to \$100,000 for related travel by Ha-
 18 waii-based HUD employees.

19 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

20 ACCOUNT

21 For the cost of guaranteed loans, as authorized by
 22 section 184 of the Housing and Community Development
 23 Act of 1992 (12 U.S.C. 1715z), \$9,000,000, to remain
 24 available until expended: *Provided*, That such costs, in-
 25 cluding the costs of modifying such loans, shall be as de-

10 For the cost of guaranteed loans, as authorized by
11 section 184A of the Housing and Community Develop-
12 ment Act of 1992 (12 U.S.C. 1715z), \$1,044,000, to re-
13 main available until expended: *Provided*, That such costs,
14 including the costs of modifying such loans, shall be as
15 defined in section 502 of the Congressional Budget Act
16 of 1974: *Provided further*, That these funds are available
17 to subsidize total loan principal, any part of which is to
18 be guaranteed, not to exceed \$41,504,255.

For carrying out the Housing Opportunities for Per-
sons with AIDS program, as authorized by the AIDS
Housing Opportunity Act (42 U.S.C. 12901 et seq.),
\$350,000,000, to remain available until September 30,
2012, except that amounts allocated pursuant to section

1 854(c)(3) of such Act shall remain available until Sep-
2 tember 30, 2013: *Provided*, That the Secretary shall renew
3 all expiring contracts for permanent supportive housing
4 that were funded under section 854(c)(3) of such Act that
5 meet all program requirements before awarding funds for
6 new contracts and activities authorized under this section:
7 *Provided further*, That the Department shall notify grant-
8 ees of their formula allocation within 60 days of enactment
9 of this Act.

10 COMMUNITY DEVELOPMENT FUND

11 For assistance to units of State and local govern-
12 ment, and to other entities, for economic and community
13 development activities, and for other purposes,
14 \$4,352,100,000 (increased by \$10,000,000) (increased by
15 \$20,000,000), to remain available until September 30,
16 2013, unless otherwise specified: *Provided*, That of the
17 total amount provided, \$3,997,755,000 is for carrying out
18 the community development block grant program under
19 title I of the Housing and Community Development Act
20 of 1974, as amended (the “Act” herein) (42 U.S.C. 5301
21 et seq.): *Provided further*, That unless explicitly provided
22 for under this heading (except for planning grants pro-
23 vided in the second paragraph and amounts made avail-
24 able under the third paragraph), not to exceed 20 percent
25 of any grant made with funds appropriated under this

1 heading shall be expended for planning and management
2 development and administration: *Provided further*, That
3 the Department shall notify grantees of their formula allo-
4 cation within 60 days of enactment of this Act: *Provided*
5 *further*, That \$65,000,000 shall be for grants to Indian
6 tribes notwithstanding section 106(a)(1) of such Act, of
7 which, notwithstanding any other provision of law (includ-
8 ing section 204 of this Act), up to \$3,960,000 may be
9 used for emergencies that constitute imminent threats to
10 health and safety.

11 Of the amount made available under this heading,
12 \$77,145,000 shall be available for grants for the Economic
13 Development Initiative (EDI) to finance a variety of tar-
14 geted economic investments in accordance with the terms
15 and conditions specified in the explanatory statement ac-
16 companying this Act: *Provided*, That none of the funds
17 provided under this paragraph may be used for program
18 operations: *Provided further*, That, for fiscal years 2008,
19 2009 and 2010, no unobligated funds for EDI grants may
20 be used for any purpose except acquisition, planning, de-
21 sign, purchase of equipment, revitalization, redevelopment
22 or construction.

23 Of the amount made available under this heading,
24 \$12,200,000 shall be available for neighborhood initiatives
25 that are utilized to improve the conditions of distressed

1 and blighted areas and neighborhoods, to stimulate invest-
2 ment, economic diversification, and community revitaliza-
3 tion in areas with population outmigration or a stagnating
4 or declining economic base, or to determine whether hous-
5 ing benefits can be integrated more effectively with welfare
6 reform initiatives: *Provided*, That amounts made available
7 under this paragraph shall be provided in accordance with
8 the terms and conditions specified in the explanatory
9 statement accompanying this Act.

10 The referenced statement of managers under the
11 heading “Community Planning and Development” in title
12 II in division I of Public Law 111–8 is deemed to be
13 amended by striking “City of Wilson, NC, for demolition
14 of dilapidated structures from downtown Wilson to further
15 downtown redevelopment” and inserting “City of Wilson,
16 NC, for the renovation of blighted structures to enhance
17 downtown development”.

18 The referenced statement of managers under the
19 heading “Community Planning and Development” in title
20 II in division I of Public Law 111–8 is deemed to be
21 amended by striking “Catskill Visitor Interpretative Cen-
22 ter, Shandaken, NY, for construction of a visitor’s center”
23 and inserting “New York State Department of Environ-
24 mental Conservation, NY, for planning and design of the
25 Catskill Visitor Interpretative Center”.

1 The referenced statement of managers under the
2 heading “Community Planning and Development” in title
3 II in division I of Public Law 111–8 is deemed to be
4 amended by striking “Charles County Department of
5 Human Services, Maryland, Port Tobacco, MD, for acqui-
6 sition and rehabilitation of the former Changing Point
7 South facility as a homeless shelter and transitional hous-
8 ing” and inserting “Charles County Department of
9 Human Services, Port Tobacco, MD, for acquisition and
10 rehabilitation of a facility”.

11 Of the amounts made available under this heading,
12 \$150,000,000 shall be made available for a Sustainable
13 Communities Initiative to improve regional planning ef-
14 forts that integrate housing and transportation decisions,
15 and increase the capacity to improve land use and zoning:
16 *Provided*, That grants under such Initiative may only be
17 made to metropolitan planning organizations (MPOs),
18 rural planning organizations, States or other units of gen-
19 eral local government, and housing- and transportation-
20 related nonprofit organizations: *Provided further*, That
21 \$100,000,000 shall be for Regional Integrated Planning
22 Grants to support the linking of transportation and land
23 use planning: *Provided further*, That not less than
24 \$25,000,000 of the funding made available for Regional
25 Integrated Planning Grants shall be awarded to metropoli-

1 tan areas of less than 500,000: *Provided further*, That
2 \$40,000,000 shall be for Community Challenge Planning
3 Grants to foster reform and reduce barriers to achieve af-
4 fordable, economically vital, and sustainable communities:
5 *Provided further*, That before funding is made available
6 for Regional Integrated Planning Grants or Community
7 Challenge Planning Grants, the Secretary, in coordination
8 with the Secretary of Transportation, shall submit a plan
9 to the House and Senate Committees on Appropriations,
10 the Senate Committee on Banking and Urban Affairs, and
11 the House Committee on Financial Services establishing
12 grant criteria as well as performance measures by which
13 the success of grantees will be measured: *Provided further*,
14 That the Secretary will consult with the Secretary of
15 Transportation in evaluating grant proposals: *Provided*
16 *further*, That up to \$10,000,000 shall be for a joint De-
17 partment of Housing and Urban Development and De-
18 partment of Transportation research effort that shall in-
19 clude a rigorous evaluation of the Regional Integrated
20 Planning Grants and Community Challenge Planning
21 Grants programs, as well as to provide funding for a clear-
22 inghouse and capacity building efforts: *Provided further*,
23 That of the amounts made available under this heading,
24 \$25,000,000 shall be made available for the Rural Innova-
25 tion Fund for grants to Indian tribes, State housing fi-

1 nance agencies, State community and/or economic devel-
 2 opment agencies, local rural nonprofits and community de-
 3 velopment corporations to address the problems of con-
 4 centrated rural housing distress and community poverty:
 5 *Provided further*, That of the funding made available
 6 under the previous proviso, at least \$5,000,000 shall be
 7 made available to promote economic development and en-
 8 trepreneurship for federally recognized Indian Tribes,
 9 through activities including the capitalization of revolving
 10 loan programs and business planning and development,
 11 funding is also made available for technical assistance to
 12 increase capacity through training and outreach activities:
 13 *Provided further*, That of the amounts made available
 14 under this heading, \$25,000,000 (increased by
 15 \$10,000,000) is for grants pursuant to section 107 of the
 16 Housing and Community Development Act of 1974 (42
 17 U.S.C. 5307).

18 COMMUNITY DEVELOPMENT LOAN GUARANTEES

19 PROGRAM ACCOUNT

20 For the cost of guaranteed loans, \$10,000,000, to re-
 21 main available until September 30, 2012, as authorized
 22 by section 108 of the Housing and Community Develop-
 23 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
 24 costs, including the cost of modifying such loans, shall be
 25 as defined in section 502 of the Congressional Budget Act

1 of 1974: *Provided further*, That these funds are available
 2 to subsidize total loan principal, any part of which is to
 3 be guaranteed, not to exceed \$427,000,000, notwith-
 4 standing any aggregate limitation on outstanding obliga-
 5 tions guaranteed in section 108(k) of the Housing and
 6 Community Development Act of 1974, as amended.

7 BROWNFIELDS REDEVELOPMENT

8 For competitive economic development grants, as au-
 9 thorized by section 108(q) of the Housing and Community
 10 Development Act of 1974, as amended, for Brownfields
 11 redevelopment projects, \$17,500,000, to remain available
 12 until September 30, 2012: *Provided*, That no funds made
 13 available under this heading may be used to establish loan
 14 loss reserves for the section 108 Community Development
 15 Loan Guarantee program: *Provided further*, That a Notice
 16 of Funding Availability shall be issued not later than 90
 17 days after enactment of this Act.

18 HOME INVESTMENT PARTNERSHIPS PROGRAM

19 For the HOME investment partnerships program, as
 20 authorized under title II of the Cranston-Gonzalez Na-
 21 tional Affordable Housing Act, as amended,
 22 \$1,825,000,000, to remain available until September 30,
 23 2013: *Provided*, That, funds provided in prior appropria-
 24 tions Acts for technical assistance, that were made avail-
 25 able for Community Housing Development Organizations

1 technical assistance, and that still remain available, may
2 be used for HOME technical assistance notwithstanding
3 the purposes for which such amounts were appropriated:
4 *Provided further*, That the Department shall notify grant-
5 ees of their formula allocation within 60 days of enactment
6 of this Act.

7 SELF-HELP AND ASSISTED HOMEOWNERSHIP

8 OPPORTUNITY PROGRAM

9 For the Self-Help and Assisted Homeownership Op-
10 portunity Program, as authorized under section 11 of the
11 Housing Opportunity Program Extension Act of 1996, as
12 amended, \$82,000,000, to remain available until Sep-
13 tember 30, 2012: *Provided*, That of the total amount pro-
14 vided under this heading, \$27,000,000 shall be made
15 available to the Self-Help and Assisted Homeownership
16 Opportunity Program as authorized under section 11 of
17 the Housing Opportunity Program Extension Act of 1996,
18 as amended: *Provided further*, That \$50,000,000 shall be
19 made available for the second, third and fourth capacity
20 building activities authorized under section 4(a) of the
21 HUD Demonstration Act of 1993 (42 U.S.C. 9816 note),
22 of which not less than \$5,000,000 may be made available
23 for rural capacity building activities: *Provided further*,
24 That \$5,000,000 shall be made available for capacity
25 building activities as authorized in sections 6301 through

1 6305 of Public Law 110–246: *Provided further*, That a
2 Notice of Funding Availability shall be issued not later
3 than 60 days after enactment of this Act.

4 HOMELESS ASSISTANCE GRANTS

5 For the emergency solutions grants program as au-
6 thorized under subtitle B of title IV of the McKinney-
7 Vento Homeless Assistance Act, as amended; the con-
8 tinuum of care program as authorized under subtitle C
9 of title IV of such Act; and the rural housing stability as-
10 sistance program as authorized under subtitle D of title
11 IV of such Act, \$2,200,000,000, of which \$2,195,000,000
12 shall remain available until September 30, 2013, and of
13 which \$5,000,000 shall remain available until expended
14 for project-based rental assistance rehabilitation with 10-
15 year grant terms and any rental assistance amounts that
16 are recaptured under such continuum of care program
17 shall remain available until expended: *Provided*, That up
18 to \$200,000,000 of the funds appropriated under this
19 heading shall be available for such emergency solutions
20 grants program: *Provided further*, That no less than
21 \$1,989,000,000 of the funds appropriated under this
22 heading shall be available for such continuum of care and
23 rural housing stability assistance programs: *Provided fur-*
24 *ther*, That up to \$6,000,000 of the funds appropriated
25 under this heading shall be available for the national

1 homeless data analysis project: *Provided further*, That for
2 all match requirements applicable to funds made available
3 under this heading for this fiscal year and prior years,
4 a grantee may use (or could have used) as a source of
5 match funds other funds administered by the Secretary
6 and other Federal agencies unless there is (or was) a spe-
7 cific statutory prohibition on any such use of any such
8 funds: *Provided further*, That the Secretary shall renew
9 on an annual basis expiring contracts or amendments to
10 contracts funded under the continuum of care program if
11 the program is determined to be needed under the applica-
12 ble continuum of care and meets appropriate program re-
13 quirements and financial standards, as determined by the
14 Secretary: *Provided further*, That all awards of assistance
15 under this heading shall be required to coordinate and in-
16 tegrate homeless programs with other mainstream health,
17 social services, and employment programs for which home-
18 less populations may be eligible, including Medicaid, State
19 Children's Health Insurance Program, Temporary Assist-
20 ance for Needy Families, Food Stamps, and services fund-
21 ing through the Mental Health and Substance Abuse
22 Block Grant, Workforce Investment Act, and the Welfare-
23 to-Work grant program: *Provided further*, That all bal-
24 ances for Shelter Plus Care renewals previously funded
25 from the Shelter Plus Care Renewal account and trans-

ferred to this account shall be available, if recaptured, for
continuum of care renewals in fiscal year 2011.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of
project-based subsidy contracts under the United States
Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the
Act”), not otherwise provided for, \$8,982,328,000, to re-
main available until expended, shall be available on Octo-
ber 1, 2010 (in addition to the \$393,672,000 previously
appropriated under this heading that will become available
October 1, 2010), and \$400,000,000, to remain available
until expended, shall be available on October 1, 2011: *Pro-*
vided, That the amounts made available under this head-
ing shall be available for expiring or terminating section
8 project-based subsidy contracts (including section 8
moderate rehabilitation contracts), for amendments to sec-
tion 8 project-based subsidy contracts (including section
8 moderate rehabilitation contracts), for contracts entered
into pursuant to section 441 of the McKinney-Vento
Homeless Assistance Act (42 U.S.C. 11401), for renewal
of section 8 contracts for units in projects that are subject
to approved plans of action under the Emergency Low In-
come Housing Preservation Act of 1987 or the Low-In-
come Housing Preservation and Resident Homeownership

1 Act of 1990, and for administrative and other expenses
2 associated with project-based activities and assistance
3 funded under this paragraph: *Provided further*, That of
4 the total amounts provided under this heading, not to ex-
5 ceed \$315,000,000 shall be available for performance-
6 based contract administrators for section 8 project-based
7 assistance: *Provided further*, That the Secretary of Hous-
8 ing and Urban Development may also use such amounts
9 in the previous proviso for performance-based contract ad-
10 ministrators for the administration of: interest reduction
11 payments pursuant to section 236(a) of the National
12 Housing Act (12 U.S.C. 1715z-1(a)); rent supplement
13 payments pursuant to section 101 of the Housing and
14 Urban Development Act of 1965 (12 U.S.C. 1701s); sec-
15 tion 236(f)(2) rental assistance payments (12 U.S.C.
16 1715z-1(f)(2)); project rental assistance contracts for the
17 elderly under section 202(c)(2) of the Housing Act of
18 1959 (12 U.S.C. 1701q); project rental assistance con-
19 tracts for supportive housing for persons with disabilities
20 under section 811(d)(2) of the Cranston-Gonzalez Na-
21 tional Affordable Housing Act (42 U.S.C. 8013(d)(2));
22 project assistance contracts pursuant to section 202(h) of
23 the Housing Act of 1959 (Public Law 86-372; 73 Stat.
24 667); and loans under section 202 of the Housing Act of
25 1959 (Public Law 86-372; 73 Stat. 667): *Provided fur-*

1 *ther*, That amounts recaptured under this heading, the
 2 heading “Annual Contributions for Assisted Housing”, or
 3 the heading “Housing Certificate Fund” may be used for
 4 renewals of or amendments to section 8 project-based con-
 5 tracts or for performance-based contract administrators,
 6 notwithstanding the purposes for which such amounts
 7 were appropriated.

8 HOUSING FOR THE ELDERLY

9 For capital advances, including amendments to cap-
 10 ital advance contracts, for housing for the elderly, as au-
 11 thorized by section 202 of the Housing Act of 1959, as
 12 amended, and for project rental assistance for the elderly
 13 under section 202(c)(2) of such Act, including amend-
 14 ments to contracts for such assistance and renewal of ex-
 15 piring contracts for such assistance for up to a 1-year
 16 term, and for supportive services associated with the hous-
 17 ing, \$825,000,000, to remain available until September
 18 30, 2014, of which up to \$491,300,000 shall be for capital
 19 advance and project-based rental assistance awards: *Pro-*
 20 *vided*, That amounts for project rental assistance con-
 21 tracts are to remain available for the liquidation of valid
 22 obligations for 10 years following the date of such obliga-
 23 tion: *Provided further*, That of the amount provided under
 24 this heading, up to \$90,000,000 shall be for service coordi-
 25 nators and the continuation of existing congregate service

1 grants for residents of assisted housing projects, and of
2 which up to \$40,000,000 shall be for grants under section
3 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2)
4 for conversion of eligible projects under such section to
5 assisted living or related use and for substantial and emer-
6 gency capital repairs as determined by the Secretary: *Pro-*
7 *vided further*, That of the amount made available under
8 this heading, \$20,000,000 shall be available to the Sec-
9 retary of Housing and Urban Development only for mak-
10 ing competitive grants to private nonprofit organizations
11 and consumer cooperatives for covering costs of architec-
12 tural and engineering work, site control, and other plan-
13 ning relating to the development of supportive housing for
14 the elderly that is eligible for assistance under section 202
15 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided*
16 *further*, That amounts under this heading shall be avail-
17 able for Real Estate Assessment Center inspections and
18 inspection-related activities associated with section 202
19 capital advance projects: *Provided further*, That the Sec-
20 retary may waive the provisions of section 202 governing
21 the terms and conditions of project rental assistance, ex-
22 cept that the initial contract term for such assistance shall
23 not exceed 5 years in duration.

1 HOUSING FOR PERSONS WITH DISABILITIES

2 For capital advance contracts, including amendments
3 to capital advance contracts, for supportive housing for
4 persons with disabilities, as authorized by section 811 of
5 the Cranston-Gonzalez National Affordable Housing Act
6 (42 U.S.C. 8013), for project rental assistance for sup-
7 portive housing for persons with disabilities under section
8 811(d)(2) of such Act, including amendments to contracts
9 for such assistance and renewal of expiring contracts for
10 such assistance for up to a 1-year term, and for supportive
11 services associated with the housing for persons with dis-
12 abilities as authorized by section 811(b)(1) of such Act,
13 and for tenant-based rental assistance contracts entered
14 into pursuant to section 811 of such Act, \$300,000,000,
15 of which up to \$209,900,000 shall be for capital advances
16 and project-based rental assistance contracts, to remain
17 available until September 30, 2014: *Provided*, That
18 amounts for project rental assistance contracts are to re-
19 main available for the liquidation of valid obligations for
20 10 years following the date of such obligation: *Provided*
21 *further*, That the Secretary may waive the provisions of
22 section 811 governing the terms and conditions of project
23 rental assistance, except that the initial contract term for
24 such assistance shall not exceed 5 years in duration: *Pro-*
25 *vided further*, That amounts made available under this

1 heading shall be available for Real Estate Assessment
2 Center inspections and inspection-related activities associ-
3 ated with section 811 Capital Advance Projects.

4 HOUSING COUNSELING ASSISTANCE

5 For contracts, grants, and other assistance excluding
6 loans, as authorized under section 106 of the Housing and
7 Urban Development Act of 1968, as amended,
8 \$88,000,000, including up to \$2,500,000 for administra-
9 tive contract services, to remain available until September
10 30, 2012: *Provided*, That funds shall be used for providing
11 counseling and advice to tenants and homeowners, both
12 current and prospective, with respect to property mainte-
13 nance, financial management/literacy, and such other mat-
14 ters as may be appropriate to assist them in improving
15 their housing conditions, meeting their financial needs,
16 and fulfilling the responsibilities of tenancy or homeowner-
17 ship; for program administration; and for housing coun-
18 selor training.

19 OTHER ASSISTED HOUSING PROGRAMS

20 RENTAL HOUSING ASSISTANCE

21 For amendments to contracts under section 101 of
22 the Housing and Urban Development Act of 1965 (12
23 U.S.C. 1701s) and section 236(f)(2) of the National
24 Housing Act (12 U.S.C. 1715z-1) in State-aided, non-in-

1 sured rental housing projects, \$40,600,000, to remain
2 available until expended.

3 RENT SUPPLEMENT

4 (RESCISSION)

5 Of the amounts recaptured from terminated con-
6 tracts under section 101 of the Housing and Urban Devel-
7 opment Act of 1965 (12 U.S.C. 1701s) and section 236
8 of the National Housing Act (12 U.S.C. 1715z-1)
9 \$40,600,000 are rescinded: *Provided*, That no amounts
10 may be rescinded from amounts that were designated by
11 the Congress as an emergency requirement pursuant to
12 the Concurrent Resolution on the Budget or the Balanced
13 Budget and Emergency Deficit Control Act of 1985, as
14 amended.

15 PAYMENT TO MANUFACTURED HOUSING FEES TRUST

16 FUND

17 For necessary expenses as authorized by the National
18 Manufactured Housing Construction and Safety Stand-
19 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
20 \$14,000,000, to remain available until expended, of which
21 \$7,000,000 is to be derived from the Manufactured Hous-
22 ing Fees Trust Fund: *Provided*, That not to exceed the
23 total amount appropriated under this heading shall be
24 available from the general fund of the Treasury to the ex-
25 tent necessary to incur obligations and make expenditures

1 pending the receipt of collections to the Fund pursuant
2 to section 620 of such Act: *Provided further*, That the
3 amount made available under this heading from the gen-
4 eral fund shall be reduced as such collections are received
5 during fiscal year 2011 so as to result in a final fiscal
6 year 2011 appropriation from the general fund estimated
7 at not more than \$7,000,000 and fees pursuant to such
8 section 620 shall be modified as necessary to ensure such
9 a final fiscal year 2011 appropriation: *Provided further*,
10 That for the dispute resolution and installation programs,
11 the Secretary of Housing and Urban Development may
12 assess and collect fees from any program participant: *Pro-*
13 *vided further*, That such collections shall be deposited into
14 the Fund, and the Secretary, as provided herein, may use
15 such collections, as well as fees collected under section
16 620, for necessary expenses of such Act: *Provided further*,
17 That notwithstanding the requirements of section 620 of
18 such Act, the Secretary may carry out responsibilities of
19 the Secretary under such Act through the use of approved
20 service providers that are paid directly by the recipients
21 of their services.

1 FEDERAL HOUSING ADMINISTRATION
2 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 New commitments to guarantee single family loans
5 insured under the Mutual Mortgage Insurance Fund shall
6 not exceed \$400,000,000,000, to remain available until
7 September 30, 2012: *Provided*, That for the cost of new
8 guaranteed loans, as authorized by section 255 of the Na-
9 tional Housing Act (12 U.S.C. 17152–20), \$150,000,000
10 (reduced by \$10,000,000): *Provided further*, That during
11 fiscal year 2011, obligations to make direct loans to carry
12 out the purposes of section 204(g) of the National Hous-
13 ing Act, as amended, shall not exceed \$50,000,000: *Pro-*
14 *vided further*, That the foregoing amount in the previous
15 proviso shall be for loans to nonprofit and governmental
16 entities in connection with sales of single family real prop-
17 erties owned by the Secretary and formerly insured under
18 the Mutual Mortgage Insurance Fund. For administrative
19 contract expenses of the Federal Housing Administration,
20 \$207,000,000, to remain available until September 30,
21 2012, of which up to \$71,500,000 may be transferred to
22 the Working Capital Fund: *Provided further*, That to the
23 extent guaranteed loan commitments exceed
24 \$200,000,000,000 on or before April 1, 2011, an addi-
25 tional \$1,400 for administrative contract expenses shall be

1 available for each \$1,000,000 in additional guaranteed
2 loan commitments (including a pro rata amount for any
3 amount below \$1,000,000), but in no case shall funds
4 made available by this proviso exceed \$30,000,000.

5 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

6 During fiscal year 2011, commitments to guarantee
7 loans incurred under the General and Special Risk Insur-
8 ance Funds, as authorized by sections 238 and 519 of the
9 National Housing Act (12 U.S.C. 1715z-3 and 1735e),
10 shall not exceed \$20,000,000,000 in total loan principal,
11 any part of which is to be guaranteed.

12 Gross obligations for the principal amount of direct
13 loans, as authorized by sections 204(g), 207(l), 238, and
14 519(a) of the National Housing Act, shall not exceed
15 \$20,000,000, which shall be for loans to non-profit and
16 governmental entities in connection with the sale of single
17 family real properties owned by the Secretary and for-
18 merly insured under such Act.

19 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

20 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

21 GUARANTEE PROGRAM ACCOUNT

22 New commitments to issue guarantees to carry out
23 the purposes of section 306 of the National Housing Act,
24 as amended (12 U.S.C. 1721(g)), shall not exceed

1 \$500,000,000,000, to remain available until September
2 30, 2012.

3 POLICY DEVELOPMENT AND RESEARCH

4 RESEARCH AND TECHNOLOGY

5 For contracts, grants, and necessary expenses of pro-
6 grams of research and studies relating to housing and
7 urban problems, not otherwise provided for, as authorized
8 by title V of the Housing and Urban Development Act
9 of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying
10 out the functions of the Secretary of Housing and Urban
11 Development under section 1(a)(1)(i) of Reorganization
12 Plan No. 2 of 1968, \$50,000,000, to remain available
13 until September 30, 2012.

14 FAIR HOUSING AND EQUAL OPPORTUNITY

15 FAIR HOUSING ACTIVITIES

16 For contracts, grants, and other assistance, not oth-
17 erwise provided for, as authorized by title VIII of the Civil
18 Rights Act of 1968, as amended by the Fair Housing
19 Amendments Act of 1988, and section 561 of the Housing
20 and Community Development Act of 1987, as amended,
21 \$72,000,000, to remain available until September 30,
22 2012, of which \$42,500,000 shall be to carry out activities
23 pursuant to such section 561: *Provided*, That notwith-
24 standing 31 U.S.C. 3302, the Secretary may assess and
25 collect fees to cover the costs of the Fair Housing Training

1 Academy, and may use such funds to provide such train-
2 ing: *Provided further*, That no funds made available under
3 this heading shall be used to lobby the executive or legisla-
4 tive branches of the Federal Government in connection
5 with a specific contract, grant or loan.

6 OFFICE OF LEAD HAZARD CONTROL AND HEALTHY
7 HOMES

8 LEAD HAZARD REDUCTION

9 For the Lead Hazard Reduction Program, as author-
10 ized by section 1011 of the Residential Lead-Based Paint
11 Hazard Reduction Act of 1992, \$140,000,000, to remain
12 available until September 30, 2012, of which not less than
13 \$40,000,000 shall be for the Healthy Homes Initiative,
14 pursuant to sections 501 and 502 of the Housing and
15 Urban Development Act of 1970 that shall include re-
16 search, studies, testing, and demonstration efforts, includ-
17 ing education and outreach concerning lead-based paint
18 poisoning and other housing-related diseases and hazards:
19 *Provided*, That for purposes of environmental review, pur-
20 suant to the National Environmental Policy Act of 1969
21 (42 U.S.C. 4321 et seq.) and other provisions of the law
22 that further the purposes of such Act, a grant under the
23 Healthy Homes Initiative, Operation Lead Elimination
24 Action Plan (LEAP), or the Lead Technical Studies pro-
25 gram under this heading or under prior appropriations

1 Acts for such purposes under this heading, shall be consid-
2 ered to be funds for a special project for purposes of sec-
3 tion 305(c) of the Multifamily Housing Property Disposi-
4 tion Reform Act of 1994: *Provided further*, That amounts
5 made available under this heading in this or prior appro-
6 priations Acts, and that still remain available, may be used
7 for any purpose under this heading notwithstanding the
8 purpose for which such amounts were appropriated if a
9 program competition is undersubscribed and there are
10 other program competitions under this heading that are
11 oversubscribed: *Provided further*, That a Notice of Fund-
12 ing Availability shall be issued not later than 60 days after
13 enactment of this Act.

14 MANAGEMENT AND ADMINISTRATION

15 WORKING CAPITAL FUND

16 For additional capital for the Working Capital Fund
17 (42 U.S.C. 3535) for the maintenance of infrastructure
18 for Department-wide information technology systems, for
19 the continuing operation and maintenance of both Depart-
20 ment-wide and program-specific information systems, and
21 for program-related maintenance activities, \$243,500,000,
22 to remain available until September 30, 2012: *Provided*,
23 That any amounts transferred to this Fund under this Act
24 shall remain available until expended: *Provided further*,
25 That any amounts transferred to this Fund from amounts

1 appropriated by previously enacted appropriations Acts or
2 from within this Act may be used only for the purposes
3 specified under this Fund, in addition to the purposes for
4 which such amounts were appropriated: *Provided further*,
5 That up to \$15,000,000 may be transferred to this ac-
6 count from all other accounts in this title (except for the
7 Office of the Inspector General account) that make funds
8 available for salaries and expenses.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary salaries and expenses of the Office of
11 Inspector General in carrying out the Inspector General
12 Act of 1978, as amended, \$122,000,000: *Provided*, That
13 the Inspector General shall have independent authority
14 over all personnel issues within this office.

15 TRANSFORMATION INITIATIVE

16 For necessary expenses for combating mortgage
17 fraud, \$20,000,000, to remain available until expended.

18 In addition, of the amounts made available in this
19 Act under each of the following headings under this title,
20 the Secretary may transfer to, and merge with, this ac-
21 count up to 1 percent from each such account, and such
22 transferred amounts shall be available until September 30,
23 2014, for: (1) research, evaluation, and program metrics;
24 (2) program demonstrations; (3) technical assistance and
25 capacity building; and (4) information technology: “Ten-

1 ant-Based Rental Assistance”, “Public Housing Operating
2 Fund”, “Indian Housing Loan Guarantee Fund Program
3 Account”, “Native Hawaiian Housing Block Grants”,
4 “Housing Opportunities for Persons With AIDS”, “Com-
5 munity Development Fund”, “Housing Counseling Assist-
6 ance”, “Payment to Manufactured Housing Fees Trust
7 Fund”, “Mutual Mortgage Insurance Program Account”,
8 “Lead Hazard Reduction”, and “Rental Housing Assist-
9 ance”: *Provided*, That of the amounts made available
10 under this paragraph, not less than \$130,000,000 shall
11 be available for information technology modernization, in-
12 cluding development and deployment of a Next Generation
13 of Voucher Management System and development and de-
14 ployment of modernized Federal Housing Administration
15 systems: *Provided further*, That not more than 25 percent
16 of the funds made available for information technology
17 modernization may be obligated until the Secretary sub-
18 mits to the Committees on Appropriations a plan for ex-
19 penditure that: (1) identifies for each modernization
20 project: (a) the functional and performance capabilities to
21 be delivered and the mission benefits to be realized; (b)
22 the estimated lifecycle cost; and (c) key milestones to be
23 met; (2) demonstrates that each modernization project is:
24 (a) compliant with the department’s enterprise architec-
25 ture; (b) being managed in accordance with applicable

1 lifecycle management policies and guidance; (c) subject to
2 the department's capital planning and investment control
3 requirements; and (d) supported by an adequately staffed
4 project office; and (3) has been reviewed by the Govern-
5 ment Accountability Office: *Provided further*, That of the
6 amounts made available under this paragraph, not less
7 than \$40,000,000 shall be available for technical assist-
8 ance and capacity building: *Provided further*, That tech-
9 nical assistance activities shall include, technical assist-
10 ance for HUD programs, including HOME, Community
11 Development Block Grant, homeless programs, HOPWA,
12 HOPE VI, Public Housing, the Housing Choice Voucher
13 Program, Fair Housing Initiative Program, Housing
14 Counseling, Healthy Homes, Sustainable Communities,
15 Energy Innovation Fund and other technical assistance as
16 determined by the Secretary: *Provided further*, That of the
17 amounts made available for research, evaluation and pro-
18 gram metrics and program demonstrations, the Secretary
19 shall include an assessment of the effectiveness of HUD
20 funded service coordinators: *Provided further*, That the
21 Secretary shall submit a plan to the House and Senate
22 Committees on Appropriations for approval detailing how
23 the funding provided under this heading will be allocated
24 to each of the categories identified under this heading and
25 for what projects or activities funding will be used: *Pro-*

1 *vided further*, That following the initial approval of this
2 plan, the Secretary may amend the plan with the approval
3 of the House and Senate Committees on Appropriations.

4 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
5 URBAN DEVELOPMENT

6 SEC. 201. Fifty percent of the amounts of budget au-
7 thority, or in lieu thereof 50 percent of the cash amounts
8 associated with such budget authority, that are recaptured
9 from projects described in section 1012(a) of the Stewart
10 B. McKinney Homeless Assistance Amendments Act of
11 1988 (42 U.S.C. 1437 note) shall be rescinded or in the
12 case of cash, shall be remitted to the Treasury, and such
13 amounts of budget authority or cash recaptured and not
14 rescinded or remitted to the Treasury shall be used by
15 State housing finance agencies or local governments or
16 local housing agencies with projects approved by the Sec-
17 retary of Housing and Urban Development for which set-
18 tlement occurred after January 1, 1992, in accordance
19 with such section. Notwithstanding the previous sentence,
20 the Secretary may award up to 15 percent of the budget
21 authority or cash recaptured and not rescinded or remitted
22 to the Treasury to provide project owners with incentives
23 to refinance their project at a lower interest rate.

24 SEC. 202. None of the amounts made available under
25 this Act may be used during fiscal year 2011 to investigate

1 or prosecute under the Fair Housing Act any otherwise
2 lawful activity engaged in by one or more persons, includ-
3 ing the filing or maintaining of a non-frivolous legal ac-
4 tion, that is engaged in solely for the purpose of achieving
5 or preventing action by a Government official or entity,
6 or a court of competent jurisdiction.

7 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
8 of the AIDS Housing Opportunity Act (42 U.S.C.
9 12903(c)(1)(A)), from any amounts made available under
10 this title for fiscal year 2011 that are allocated under such
11 section, the Secretary of Housing and Urban Development
12 shall allocate and make a grant, in the amount determined
13 under subsection (b), for any State that—

14 (1) received an allocation in a prior fiscal year
15 under clause (ii) of such section; and

16 (2) is not otherwise eligible for an allocation for
17 fiscal year 2011 under such clause (ii) because the
18 areas in the State outside of the metropolitan statis-
19 tical areas that qualify under clause (i) in fiscal year
20 2011 do not have the number of cases of acquired
21 immunodeficiency syndrome (AIDS) required under
22 such clause.

23 (b) The amount of the allocation and grant for any
24 State described in subsection (a) shall be an amount based
25 on the cumulative number of AIDS cases in the areas of

1 that State that are outside of metropolitan statistical
2 areas that qualify under clause (i) of such section
3 854(c)(1)(A) in fiscal year 2011, in proportion to AIDS
4 cases among cities and States that qualify under clauses
5 (i) and (ii) of such section and States deemed eligible
6 under subsection (a).

7 (c) Notwithstanding any other provision of law, the
8 amount allocated for fiscal year 2011 under section 854(c)
9 of the AIDS Housing Opportunity Act (42 U.S.C.
10 12903(c)), to the City of New York, New York, on behalf
11 of the New York-Wayne-White Plains, New York-New
12 Jersey Metropolitan Division (hereafter “metropolitan di-
13 vision”) of the New York-Newark-Edison, NY–NJ–PA
14 Metropolitan Statistical Area, shall be adjusted by the
15 Secretary of Housing and Urban Development by: (1) allo-
16 cating to the City of Jersey City, New Jersey, the propor-
17 tion of the metropolitan area’s or division’s amount that
18 is based on the number of cases of AIDS reported in the
19 portion of the metropolitan area or division that is located
20 in Hudson County, New Jersey, and adjusting for the pro-
21 portion of the metropolitan division’s high incidence bonus
22 if this area in New Jersey also has a higher than average
23 per capita incidence of AIDS; and (2) allocating to the
24 City of Paterson, New Jersey, the proportion of the metro-
25 politan area’s or division’s amount that is based on the

1 number of cases of AIDS reported in the portion of the
2 metropolitan area or division that is located in Bergen
3 County and Passaic County, New Jersey, and adjusting
4 for the proportion of the metropolitan division's high inci-
5 dence bonus if this area in New Jersey also has a higher
6 than average per capita incidence of AIDS. The recipient
7 cities shall use amounts allocated under this subsection
8 to carry out eligible activities under section 855 of the
9 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
10 their respective portions of the metropolitan division that
11 is located in New Jersey.

12 (d) Notwithstanding any other provision of law, the
13 amount allocated for fiscal year 2011 under section 854(c)
14 of the AIDS Housing Opportunity Act (42 U.S.C.
15 12903(c)) to areas with a higher than average per capita
16 incidence of AIDS, shall be adjusted by the Secretary on
17 the basis of area incidence reported over a 3-year period.

18 SEC. 204. Except as explicitly provided in law, any
19 grant, cooperative agreement or other assistance made
20 pursuant to title II of this Act shall be made on a competi-
21 tive basis and in accordance with section 102 of the De-
22 partment of Housing and Urban Development Reform Act
23 of 1989 (42 U.S.C. 3545).

24 SEC. 205. Funds of the Department of Housing and
25 Urban Development subject to the Government Corpora-

1 tion Control Act or section 402 of the Housing Act of
2 1950 shall be available, without regard to the limitations
3 on administrative expenses, for legal services on a contract
4 or fee basis, and for utilizing and making payment for
5 services and facilities of the Federal National Mortgage
6 Association, Government National Mortgage Association,
7 Federal Home Loan Mortgage Corporation, Federal Fi-
8 nancing Bank, Federal Reserve banks or any member
9 thereof, Federal Home Loan banks, and any insured bank
10 within the meaning of the Federal Deposit Insurance Cor-
11 poration Act, as amended (12 U.S.C. 1811–1).

12 SEC. 206. Unless otherwise provided for in this Act
13 or through a reprogramming of funds, no part of any ap-
14 propriation for the Department of Housing and Urban
15 Development shall be available for any program, project
16 or activity in excess of amounts set forth in the budget
17 estimates submitted to Congress.

18 SEC. 207. Corporations and agencies of the Depart-
19 ment of Housing and Urban Development which are sub-
20 ject to the Government Corporation Control Act, are here-
21 by authorized to make such expenditures, within the limits
22 of funds and borrowing authority available to each such
23 corporation or agency and in accordance with law, and to
24 make such contracts and commitments without regard to
25 fiscal year limitations as provided by section 104 of such

1 Act as may be necessary in carrying out the programs set
2 forth in the budget for 2011 for such corporation or agen-
3 cy except as hereinafter provided: *Provided*, That collec-
4 tions of these corporations and agencies may be used for
5 new loan or mortgage purchase commitments only to the
6 extent expressly provided for in this Act (unless such loans
7 are in support of other forms of assistance provided for
8 in this or prior appropriations Acts), except that this pro-
9 viso shall not apply to the mortgage insurance or guaranty
10 operations of these corporations, or where loans or mort-
11 gage purchases are necessary to protect the financial in-
12 terest of the United States Government.

13 SEC. 208. The Secretary of Housing and Urban De-
14 velopment shall provide quarterly reports to the House
15 and Senate Committees on Appropriations regarding all
16 uncommitted, unobligated, recaptured and excess funds in
17 each program and activity within the jurisdiction of the
18 Department and shall submit additional, updated budget
19 information to these Committees upon request.

20 SEC. 209. (a) Notwithstanding any other provision
21 of law, the amount allocated for fiscal year 2011 under
22 section 854(c) of the AIDS Housing Opportunity Act (42
23 U.S.C. 12903(e)), to the City of Wilmington, Delaware,
24 on behalf of the Wilmington, Delaware-Maryland-New
25 Jersey Metropolitan Division (hereafter “metropolitan di-

1 vision”), shall be adjusted by the Secretary of Housing
2 and Urban Development by allocating to the State of New
3 Jersey the proportion of the metropolitan division’s
4 amount that is based on the number of cases of AIDS
5 reported in the portion of the metropolitan division that
6 is located in New Jersey, and adjusting for the proportion
7 of the metropolitan division’s high incidence bonus if this
8 area in New Jersey also has a higher than average per
9 capita incidence of AIDS. The State of New Jersey shall
10 use amounts allocated to the State under this subsection
11 to carry out eligible activities under section 855 of the
12 AIDS Housing Opportunity Act (42 U.S.C. 12904) in the
13 portion of the metropolitan division that is located in New
14 Jersey.

15 (b) Notwithstanding any other provision of law, the
16 Secretary of Housing and Urban Development shall allo-
17 cate to Wake County, North Carolina, the amounts that
18 otherwise would be allocated for fiscal year 2011 under
19 section 854(c) of the AIDS Housing Opportunity Act (42
20 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
21 on behalf of the Raleigh-Cary, North Carolina Metropoli-
22 tan Statistical Area. Any amounts allocated to Wake
23 County shall be used to carry out eligible activities under
24 section 855 of such Act (42 U.S.C. 12904) within such
25 metropolitan statistical area.

1 (c) Notwithstanding section 854(c) of the AIDS
2 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
3 retary of Housing and Urban Development may adjust the
4 allocation of the amounts that otherwise would be allo-
5 cated for fiscal year 2011 under section 854(c) of such
6 Act, upon the written request of an applicant, in conjunc-
7 tion with the State(s), for a formula allocation on behalf
8 of a metropolitan statistical area, to designate the State
9 or States in which the metropolitan statistical area is lo-
10 cated as the eligible grantee(s) of the allocation. In the
11 case that a metropolitan statistical area involves more
12 than one State, such amounts allocated to each State shall
13 be in proportion to the number of cases of AIDS reported
14 in the portion of the metropolitan statistical area located
15 in that State. Any amounts allocated to a State under this
16 section shall be used to carry out eligible activities within
17 the portion of the metropolitan statistical area located in
18 that State.

19 SEC. 210. The President's formal budget request for
20 fiscal year 2012, as well as the Department of Housing
21 and Urban Development's congressional budget justifica-
22 tions to be submitted to the Committees on Appropriations
23 of the House of Representatives and the Senate, shall use
24 the identical account and sub-account structure provided
25 under this Act.

1 SEC. 211. A public housing agency or such other enti-
2 ty that administers Federal housing assistance for the
3 Housing Authority of the county of Los Angeles, Cali-
4 fornia, the States of Alaska, Iowa, and Mississippi shall
5 not be required to include a resident of public housing or
6 a recipient of assistance provided under section 8 of the
7 United States Housing Act of 1937 on the board of direc-
8 tors or a similar governing board of such agency or entity
9 as required under section (2)(b) of such Act. Each public
10 housing agency or other entity that administers Federal
11 housing assistance under section 8 for the Housing Au-
12 thority of the county of Los Angeles, California and the
13 States of Alaska, Iowa and Mississippi that chooses not
14 to include a resident of Public Housing or a recipient of
15 section 8 assistance on the board of directors or a similar
16 governing board shall establish an advisory board of not
17 less than six residents of public housing or recipients of
18 section 8 assistance to provide advice and comment to the
19 public housing agency or other administering entity on
20 issues related to public housing and section 8. Such advi-
21 sory board shall meet not less than quarterly.

22 SEC. 212. (a) Notwithstanding any other provision
23 of law, subject to the conditions listed in subsection (b),
24 for fiscal years 2011 and 2012, the Secretary of Housing
25 and Urban Development may authorize the transfer of

1 some or all project-based assistance, debt and statutorily
2 required low-income and very low-income use restrictions,
3 associated with one or more multifamily housing project
4 to another multifamily housing project or projects.

5 (b) The transfer authorized in subsection (a) is sub-
6 ject to the following conditions:

7 (1) The number of low-income and very low-in-
8 come units and the net dollar amount of Federal as-
9 sistance provided by the transferring project shall
10 remain the same in the receiving project or projects.

11 (2) The transferring project shall, as deter-
12 mined by the Secretary, be either physically obsolete
13 or economically non-viable.

14 (3) The receiving project or projects shall meet
15 or exceed applicable physical standards established
16 by the Secretary.

17 (4) The owner or mortgagor of the transferring
18 project shall notify and consult with the tenants re-
19 siding in the transferring project and provide a cer-
20 tification of approval by all appropriate local govern-
21 mental officials.

22 (5) The tenants of the transferring project who
23 remain eligible for assistance to be provided by the
24 receiving project or projects shall not be required to
25 vacate their units in the transferring project or

1 projects until new units in the receiving project are
2 available for occupancy.

3 (6) The Secretary determines that this transfer
4 is in the best interest of the tenants.

5 (7) If either the transferring project or the re-
6 ceiving project or projects meets the condition speci-
7 fied in subsection (c)(2)(A), any lien on the receiving
8 project resulting from additional financing obtained
9 by the owner shall be subordinate to any FHA-in-
10 sured mortgage lien transferred to, or placed on,
11 such project by the Secretary.

12 (8) If the transferring project meets the re-
13 quirements of subsection (c)(2)(E), the owner or
14 mortgagor of the receiving project or projects shall
15 execute and record either a continuation of the exist-
16 ing use agreement or a new use agreement for the
17 project where, in either case, any use restrictions in
18 such agreement are of no lesser duration than the
19 existing use restrictions.

20 (9) Any financial risk to the FHA General and
21 Special Risk Insurance Fund, as determined by the
22 Secretary, would be reduced as a result of a transfer
23 completed under this section.

1 (10) The Secretary determines that Federal li-
2 ability with regard to this project will not be in-
3 creased.

4 (c) For purposes of this section—

5 (1) the terms “low-income” and “very low-in-
6 come” shall have the meanings provided by the stat-
7 ute and/or regulations governing the program under
8 which the project is insured or assisted;

9 (2) the term “multifamily housing project”
10 means housing that meets one of the following con-
11 ditions—

12 (A) housing that is subject to a mortgage
13 insured under the National Housing Act;

14 (B) housing that has project-based assist-
15 ance attached to the structure including
16 projects undergoing mark to market debt re-
17 structuring under the Multifamily Assisted
18 Housing Reform and Affordability Housing Act;

19 (C) housing that is assisted under section
20 202 of the Housing Act of 1959 as amended by
21 section 801 of the Cranston-Gonzales National
22 Affordable Housing Act;

23 (D) housing that is assisted under section
24 202 of the Housing Act of 1959, as such sec-
25 tion existed before the enactment of the Cran-

1 ston-Gonzales National Affordable Housing Act;
2 or

3 (E) housing or vacant land that is subject
4 to a use agreement;

5 (3) the term “project-based assistance”
6 means—

7 (A) assistance provided under section 8(b)
8 of the United States Housing Act of 1937;

9 (B) assistance for housing constructed or
10 substantially rehabilitated pursuant to assist-
11 ance provided under section 8(b)(2) of such Act
12 (as such section existed immediately before Oc-
13 tober 1, 1983);

14 (C) rent supplement payments under sec-
15 tion 101 of the Housing and Urban Develop-
16 ment Act of 1965;

17 (D) interest reduction payments under sec-
18 tion 236 and/or additional assistance payments
19 under section 236(f)(2) of the National Hous-
20 ing Act; and

21 (E) assistance payments made under sec-
22 tion 202(c)(2) of the Housing Act of 1959;

23 (4) the term “receiving project or projects”
24 means the multifamily housing project or projects to
25 which some or all of the project-based assistance,

1 debt, and statutorily required use low-income and
2 very low-income restrictions are to be transferred;

3 (5) the term “transferring project” means the
4 multifamily housing project which is transferring
5 some or all of the project-based assistance, debt and
6 the statutorily required low-income and very low-in-
7 come use restrictions to the receiving project or
8 projects; and

9 (6) the term “Secretary” means the Secretary
10 of Housing and Urban Development.

11 SEC. 213. The funds made available for Native Alas-
12 kans under the heading “Native American Housing Block
13 Grants” in title III of this Act shall be allocated to the
14 same Native Alaskan housing block grant recipients that
15 received funds in fiscal year 2005.

16 SEC. 214. No funds provided under this title may be
17 used for an audit of the Government National Mortgage
18 Association that makes applicable requirements under the
19 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

20 SEC. 215. (a) No assistance shall be provided under
21 section 8 of the United States Housing Act of 1937 (42
22 U.S.C. 1437f) to any individual who—

23 (1) is enrolled as a student at an institution of higher
24 education (as defined under section 102 of the Higher
25 Education Act of 1965 (20 U.S.C. 1002));

1 (2) is under 24 years of age;

2 (3) is not a veteran;

3 (4) is unmarried;

4 (5) does not have a dependent child;

5 (6) is not a person with disabilities, as such term is
6 defined in section 3(b)(3)(E) of the United States Hous-
7 ing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not
8 receiving assistance under such section 8 as of November
9 30, 2005; and

10 (7) is not otherwise individually eligible, or has par-
11 ents who, individually or jointly, are not eligible, to receive
12 assistance under section 8 of the United States Housing
13 Act of 1937 (42 U.S.C. 1437f).

14 (b) For purposes of determining the eligibility of a
15 person to receive assistance under section 8 of the United
16 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-
17 cial assistance (in excess of amounts received for tuition)
18 that an individual receives under the Higher Education
19 Act of 1965 (20 U.S.C. 1001 et seq.), from private
20 sources, or an institution of higher education (as defined
21 under the Higher Education Act of 1965 (20 U.S.C.
22 1002)), shall be considered income to that individual, ex-
23 cept for a person over the age of 23 with dependent chil-
24 dren.

1 SEC. 216. (a) Section 255(g) of the National Housing
2 Act (12 U.S.C. 1715z–20) is amended by striking the first
3 sentence.

4 SEC. 217. Notwithstanding any other provision of
5 law, in fiscal year 2010, in managing and disposing of any
6 multifamily property that is owned or has a mortgage held
7 by the Secretary of Housing and Urban Development, the
8 Secretary shall maintain any rental assistance payments
9 under section 8 of the United States Housing Act of 1937
10 and other programs that are attached to any dwelling
11 units in the property. To the extent the Secretary deter-
12 mines, in consultation with the tenants and the local gov-
13 ernment, that such a multifamily property owned or held
14 by the Secretary is not feasible for continued rental assist-
15 ance payments under such section 8 or other programs,
16 based on consideration of: (1) the costs of rehabilitating
17 and operating the property and all available Federal,
18 State, and local resources, including rent adjustments
19 under section 524 of the Multifamily Assisted Housing
20 Reform and Affordability Act of 1997 (“MAHRAA”); and
21 (2) environmental conditions that cannot be remedied in
22 a cost-effective fashion, the Secretary may, in consultation
23 with the tenants of that property, contract for project-
24 based rental assistance payments with an owner or owners
25 of other existing housing properties, or provide other rent-

1 al assistance. The Secretary shall also take appropriate
2 steps to ensure that project-based contracts remain in ef-
3 fect prior to foreclosure, subject to the exercise of contrac-
4 tual abatement remedies to assist relocation of tenants for
5 imminent major threats to health and safety. After dis-
6 position of any multifamily property described under this
7 section, the contract and allowable rent levels on such
8 properties shall be subject to the requirements under sec-
9 tion 524 of MAHRAA.

10 SEC. 218. During fiscal year 2011, in the provision
11 of rental assistance under section 8(o) of the United
12 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
13 nection with a program to demonstrate the economy and
14 effectiveness of providing such assistance for use in as-
15 sisted living facilities that is carried out in the counties
16 of the State of Michigan notwithstanding paragraphs (3)
17 and (18)(B)(iii) of such section 8(o), a family residing in
18 an assisted living facility in any such county, on behalf
19 of which a public housing agency provides assistance pur-
20 suant to section 8(o)(18) of such Act, may be required,
21 at the time the family initially receives such assistance,
22 to pay rent in an amount exceeding 40 percent of the
23 monthly adjusted income of the family by such a percent-
24 age or amount as the Secretary of Housing and Urban
25 Development determines to be appropriate.

1 SEC. 219. The Secretary of Housing and Urban De-
2 velopment shall report quarterly to the House of Rep-
3 resentatives and Senate Committees on Appropriations on
4 HUD's use of all sole source contracts, including terms
5 of the contracts, cost, and a substantive rationale for
6 using a sole source contract.

7 SEC. 220. Notwithstanding any other provision of
8 law, the recipient of a grant under section 202b of the
9 Housing Act of 1959 (12 U.S.C. 1701q) after December
10 26, 2000, in accordance with the unnumbered paragraph
11 at the end of section 202(b) of such Act, may, at its op-
12 tion, establish a single-asset nonprofit entity to own the
13 project and may lend the grant funds to such entity, which
14 may be a private nonprofit organization described in sec-
15 tion 831 of the American Homeownership and Economic
16 Opportunity Act of 2000.

17 SEC. 221. (a) The amounts provided under the sub-
18 heading "Program Account" under the heading "Commu-
19 nity Development Loan Guarantees" may be used to guar-
20 antee, or make commitments to guarantee, notes, or other
21 obligations issued by any State on behalf of non-entitle-
22 ment communities in the State in accordance with the re-
23 quirements of section 108 of the Housing and Community
24 Development Act of 1974 in fiscal year 2011 and subse-
25 quent years: *Provided*, That, any State receiving such a

1 guarantee or commitment shall distribute all funds subject
2 to such guarantee to the units of general local government
3 in non-entitlement areas that received the commitment.

4 (b) Not later than 60 days after the date of enact-
5 ment of this Act, the Secretary of Housing and Urban
6 Development shall promulgate regulations governing the
7 administration of the funds described under subsection
8 (a).

9 SEC. 222. Section 24 of the United States Housing
10 Act of 1937 (42 U.S.C. 1437v) is amended—

11 (1) in subsection (m)(1), by striking “fiscal
12 year” and all that follows through the period at the
13 end and inserting “fiscal year 2011.”; and

14 (2) in subsection (o), by striking “September”
15 and all that follows through the period at the end
16 and inserting “September 30, 2011.”.

17 SEC. 223. Public housing agencies that own and oper-
18 ate 400 or fewer public housing units may elect to be ex-
19 empt from any asset management requirement imposed by
20 the Secretary of Housing and Urban Development in con-
21 nection with the operating fund rule: *Provided*, That an
22 agency seeking a discontinuance of a reduction of subsidy
23 under the operating fund formula shall not be exempt
24 from asset management requirements.

1 SEC. 224. With respect to the use of amounts pro-
2 vided in this Act and in future Acts for the operation, cap-
3 ital improvement and management of public housing as
4 authorized by sections 9(d) and 9(e) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the
6 Secretary shall not impose any requirement or guideline
7 relating to asset management that restricts or limits in
8 any way the use of capital funds for central office costs
9 pursuant to section 9(g)(1) or 9(g)(2) of the United States
10 Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Pro-*
11 *vided*, That a public housing agency may not use capital
12 funds authorized under section 9(d) for activities that are
13 eligible under section 9(e) for assistance with amounts
14 from the operating fund in excess of the amounts per-
15 mitted under section 9(g)(1) or 9(g)(2).

16 SEC. 225. No official or employee of the Department
17 of Housing and Urban Development shall be designated
18 as an allotment holder unless the Office of the Chief Fi-
19 nancial Officer has determined that such allotment holder
20 has implemented an adequate system of funds control and
21 has received training in funds control procedures and di-
22 rectives. The Chief Financial Officer shall ensure that, not
23 later than 90 days after the date of enactment of this Act,
24 there is a trained allotment holder shall be designated for
25 each HUD subaccount under the headings “Executive Di-

1 rection” and heading “Administration, Operations, and
2 Management” as well as each account receiving appropria-
3 tions for “personnel compensation and benefits” within
4 the Department of Housing and Urban Development.

5 SEC. 226. Payment of attorney fees in program-re-
6 lated litigation must be paid from individual program of-
7 fice personnel benefits and compensation funding. The an-
8 nual budget submission for program office personnel ben-
9 efit and compensation funding must include program-re-
10 lated litigation costs for attorney fees as a separate line
11 item request.

12 SEC. 227. (a) APPROVAL OF PREPAYMENT OF
13 DEBT.—Upon request of the project sponsor of a project
14 assisted with a loan under section 202 of the Housing Act
15 of 1959 (as in effect before the enactment of the Cran-
16 ston-Gonzalez National Affordable Housing Act), for
17 which the Secretary’s consent to prepayment is required,
18 the Secretary shall approve the prepayment of any indebt-
19 edness to the Secretary relating to any remaining principal
20 and interest under the loan as part of a prepayment plan
21 under which—

22 (1) the project sponsor agrees to operate the
23 project until the maturity date of the original loan
24 under terms at least as advantageous to existing and
25 future tenants as the terms required by the original

1 loan agreement or any project-based rental assist-
2 ance payments contract under section 8 of the
3 United States Housing Act of 1937 (or any other
4 project-based rental housing assistance programs of
5 the Department of Housing and Urban Develop-
6 ment, including the rent supplement program under
7 section 101 of the Housing and Urban Development
8 Act of 1965 (12 U.S.C. 1701s)) or any successor
9 project-based rental assistance program, except as
10 provided by subsection (a)(2)(B); and

11 (2) the prepayment may involve refinancing of
12 the loan if such refinancing results—

13 (A) in a lower interest rate on the prin-
14 cipal of the loan for the project and in reduc-
15 tions in debt service related to such loan; or

16 (B) in the case of a project that is assisted
17 with a loan under such section 202 carrying an
18 interest rate of 6 percent or lower, a trans-
19 action under which—

20 (i) the project owner shall address the
21 physical needs of the project;

22 (ii) the prepayment plan for the trans-
23 action, including the refinancing, shall
24 meet a cost benefit analysis, as established
25 by the Secretary, that the benefit of the

1 transaction outweighs the cost of the
2 transaction including any increases in rent
3 charged to unassisted tenants;

4 (iii) the overall cost for providing
5 rental assistance under section 8 for the
6 project (if any) is not increased, except,
7 upon approval by the Secretary to—

8 (I) mark-up-to-market contracts
9 pursuant to section 524(a)(3) of the
10 Multifamily Assisted Housing Reform
11 and Affordability Act (42 U.S.C.
12 1437f note), as such section is carried
13 out by the Secretary for properties
14 owned by nonprofit organizations; or

15 (II) mark-up-to-budget contracts
16 pursuant to section 524(a)(4) of the
17 Multifamily Assisted Housing Reform
18 and Affordability Act (42 U.S.C.
19 1437f note), as such section is carried
20 out by the Secretary for properties
21 owned by eligible owners (as such
22 term is defined in section 202(k) of
23 the Housing Act of 1959 (12 U.S.C.
24 1701q(k));

1 (iv) the project owner may charge ten-
2 ants rent sufficient to meet debt service
3 payments and operating cost requirements,
4 as approved by the Secretary, if project-
5 based rental assistance is not available or
6 is insufficient for the debt service and op-
7 erating cost of the project after refi-
8 nancing. Such approval by the Secretary—

9 (I) shall be the basis for the
10 owner to agree to terminate the
11 project-based rental assistance con-
12 tract that is insufficient for the debt
13 service and operating cost of the
14 project after refinancing; and

15 (II) shall be an eligibility event
16 for the project for purposes of section
17 8(t) of the United States Housing Act
18 of 1937 (42 U.S.C. 1437f(t));

19 (v) units to be occupied by tenants as-
20 sisted under section 8(t) of the United
21 States Housing Act of 1937 (42 U.S.C.
22 1437f(t)) shall, upon termination of the oc-
23 cupancy of such tenants, become eligible
24 for project-based assistance under section
25 8(o)(13) of the United States Housing Act

1 of 1937 (42 U.S.C. 1437f(o)(13)) without
2 regard to the percentage limitations pro-
3 vided in such section; and

4 (vi) there shall be a use agreement of
5 20 years from the date of the maturity
6 date of the original 202 loan for all units,
7 including units to be occupied by tenants
8 assisted under section 8(t) of the United
9 States Housing Act of 1937 (42 U.S.C.
10 1437f(t)).

11 SEC. 228. No property identified by the Secretary of
12 Housing and Urban Development as surplus Federal prop-
13 erty for use to assist the homeless shall be made available
14 to any homeless group unless the group is a member in
15 good standing under any of HUD's homeless assistance
16 programs or is in good standing with any other program
17 which receives funds from any other Federal or State
18 agency or entity: *Provided*, That an exception may be
19 made for an entity not involved with Federal homeless pro-
20 grams to use surplus Federal property for the homeless
21 only after the Secretary or another responsible Federal
22 agency has fully and comprehensively reviewed all relevant
23 finances of the entity, the track record of the entity in
24 assisting the homeless, the ability of the entity to manage
25 the property, including all costs, the ability of the entity

1 to administer homeless programs in a manner that is ef-
2 fective to meet the needs of the homeless population that
3 is expected to use the property and any other related
4 issues that demonstrate a commitment to assist the home-
5 less: *Provided further*, That the Secretary shall not require
6 the entity to have cash in hand in order to demonstrate
7 financial ability but may rely on the entity's prior dem-
8 onstrated fundraising ability or commitments for in-kind
9 donations of goods and services: *Provided further*, That
10 the Secretary shall make all such information and its deci-
11 sion regarding the award of the surplus property available
12 to the committees of jurisdiction, including a full justifica-
13 tion of the appropriateness of the use of the property to
14 assist the homeless as well as the appropriateness of the
15 group seeking to obtain the property to use such property
16 to assist the homeless: *Provided further*, That, this section
17 shall apply to properties in fiscal years 2010 and 2011
18 made available as surplus Federal property for use to as-
19 sist the homeless.

20 SEC. 229. The Secretary of the Department of Hous-
21 ing and Urban Development is authorized to transfer up
22 to 5 percent of funds appropriated for any account under
23 this title under the heading "Personnel Compensation and
24 Benefits" to any other account under this title under the
25 heading "Personnel Compensation and Benefits" only

1 after such transfer has been submitted to, and received
2 prior written approval by, the House and Senate Commit-
3 tees on Appropriations: *Provided*, That, no appropriation
4 for any such account shall be increased or decreased by
5 more than 10 percent by all such transfers.

6 SEC. 230. Notwithstanding any other provision of
7 law, in determining the market value of any multifamily
8 real property or multifamily loan for any noncompetitive
9 sale to a State or local government, the Secretary shall
10 in fiscal year 2011 consider, but not be limited to, industry
11 standard appraisal practices, including the cost of repairs
12 needed to bring the property into such condition as to sat-
13 isfy minimum State and local code standards and the cost
14 of maintaining the affordability restrictions imposed by
15 the Secretary on the multifamily real property or multi-
16 family loan.

17 SEC. 231. The Disaster Housing Assistance Pro-
18 grams, administered by the Department of Housing and
19 Urban Development, shall be considered a “program of
20 the Department of Housing and Urban Development”
21 under section 904 of the McKinney Act for the purpose
22 of income verifications and matching.

23 SEC. 232. Section 203(c)(2)(B) of the National
24 Housing Act (12 U.S.C. 1709(c)(2)(B)) is amended to
25 read as follows: “(B) In addition to the premium under

1 subparagraph (A), the Secretary may establish and collect
2 annual premium payments in an amount not exceeding
3 1.50 percent of the remaining insured principal balance
4 (excluding the portion of the remaining balance attrib-
5 utable to the premium collected under subparagraph (A)
6 and without taking into account delinquent payments or
7 prepayments). The Secretary, by publication of a notice
8 in the Federal Register, may establish or change the
9 amount of the premium under subparagraph (A) or the
10 annual premium, and the period of the mortgage term for
11 which an annual premium amount shall apply.”.

12 SEC. 233. For an additional amount for the “Admin-
13 istration, Operations and Management” account,
14 \$2,070,635, to increase the Department’s acquisition
15 workforce capacity and capabilities: *Provided*, That such
16 funds may be transferred by the Secretary to any other
17 account in the Department to carry out the purposes pro-
18 vided herein: *Provided further*, That such transfer author-
19 ity is in addition to any other transfer authority provided
20 in this Act: *Provided further*, That such funds shall be
21 available only to supplement and not to supplant existing
22 acquisition workforce activities: *Provided further*, That
23 such funds shall be available for training, recruitment, re-
24 tention, and hiring additional members of the acquisition
25 workforce as defined by the Office of Federal Procurement

1 Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided*
2 *further*, That such funds shall be available for information
3 technology in support of acquisition workforce effective-
4 ness or for management solutions to improve acquisition
5 management.

6 SEC. 234. The paragraphs under the heading “Flexi-
7 ble Subsidy Fund” in Public Law 108–447 and in Public
8 Law 109–115 are repealed.

9 SEC. 235. (a) LOAN LIMIT FLOOR BASED ON 2008
10 LEVELS.—For mortgages for which the mortgagee issues
11 credit approval for the borrower during fiscal year 2011,
12 if the dollar amount limitation on the principal obligation
13 of a mortgage determined under section 203(b)(2) of the
14 National Housing Act (12 U.S.C. 1709(b)(2)) for any size
15 residence for any area is less than such dollar amount lim-
16 itation that was in effect for such size residence for such
17 area for 2008 pursuant to section 202 of the Economic
18 Stimulus Act of 2008 (Public Law 110–185; 122 Stat.
19 620), notwithstanding any other provision of law or of this
20 joint resolution, the maximum dollar amount limitation on
21 the principal obligation of a mortgage for such size resi-
22 dence for such area for purposes of such section 203(b)(2)
23 shall be considered (except for purposes of section 255(g)
24 of such Act (12 U.S.C. 1715z–20(g))) to be such dollar

1 amount limitation in effect for such size residence for such
2 area for 2008.

3 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—

4 Notwithstanding any other provision of law or of this joint
5 resolution, if the Secretary of Housing and Urban Devel-
6 opment determines, for any geographic area that is small-
7 er than an area for which dollar amount limitations on
8 the principal obligation of a mortgage are determined
9 under section 203(b)(2) of the National Housing Act, that
10 a higher such maximum dollar amount limitation is war-
11 ranted for any particular size or sizes of residences in such
12 sub-area by higher median home prices in such sub-area,
13 the Secretary may, for mortgages for which the mortgagee
14 issues credit approval for the borrower during calendar
15 year 2010, increase the maximum dollar amount limita-
16 tion for such size or sizes of residences for such sub-area
17 that is otherwise in effect (including pursuant to sub-
18 section (a) of this section), but in no case to an amount
19 that exceeds the amount specified in section 202(a)(2) of
20 the Economic Stimulus Act of 2008.

21 SEC. 236. (a) LOAN LIMIT FLOOR BASED ON 2008
22 LEVELS.—For mortgages originated during fiscal year
23 2011, if the limitation on the maximum original principal
24 obligation of a mortgage that may be purchased by the
25 Federal National Mortgage Association or the Federal

1 Home Loan Mortgage Corporation determined under sec-
2 tion 302(b)(2) of the Federal National Mortgage Associa-
3 tion Charter Act (12 U.S.C. 1717(b)(2)) or section
4 305(a)(2) of the Federal Home Loan Mortgage Corpora-
5 tion Act (12 U.S.C. 1754(a)(2)) respectively, for any size
6 residence for any area is less than such maximum original
7 principal obligation limitation that was in effect for such
8 size residence for such area for 2008 pursuant to section
9 201 of the Economic Stimulus Act of 2008 (Public Law
10 110–185; 122 Stat. 619), notwithstanding any other pro-
11 vision of law or of this joint resolution, the limitation on
12 the maximum original principal obligation of a mortgage
13 for such Association and Corporation for such size resi-
14 dence for such area shall be such maximum limitation in
15 effect for such size residence for such area for 2008.

16 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—
17 Notwithstanding any other provision of law or of this joint
18 resolution, if the Director of the Federal Housing Finance
19 Agency determines, for any geographic area that is smaller
20 than an area for which limitations on the maximum origi-
21 nal principal obligation of a mortgage are determined for
22 the Federal National Mortgage Association or the Federal
23 Home Loan Mortgage Corporation, that a higher such
24 maximum original principal obligation limitation is war-
25 ranted for any particular size or sizes of residences in such

1 sub-area by higher median home prices in such sub-area,
2 the Director may, for mortgages originated during cal-
3 endar year 2010, increase the maximum original principal
4 obligation limitation for such size or sizes of residences
5 for such sub-area that is otherwise in effect (including
6 pursuant to subsection (a) of this section) for such Asso-
7 ciation and Corporation, but in no case to an amount that
8 exceeds the amount specified in the matter following the
9 comma in section 201(a)(l)(B) of the Economic Stimulus
10 Act of 2008.

11 SEC. 237. Notwithstanding any other provision of
12 this joint resolution, for mortgages for which the mort-
13 gagee issues credit approval for the borrower during fiscal
14 year 2011, the second sentence of section 255(g) of the
15 National Housing Act (12 U.S.C. 1715z-20(g)) shall be
16 considered to require that in no case may the benefits of
17 insurance under such section 255 exceed 150 percent of
18 the maximum dollar amount in effect under the sixth sen-
19 tence of section 305(a)(2) of the Federal Home Loan
20 Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

21 SEC. 238. None of the funds in this Act shall be avail-
22 able for salaries and expenses of more than 75 political
23 and Presidential appointees in the Department of Housing
24 and Urban Development: *Provided*, That none of the per-
25 sonnel covered by this provision may be assigned on tem-

1 porary detail outside the Department of Housing and
 2 Urban Development.

3 This title may be cited as the “Department of Hous-
 4 ing and Urban Development Appropriations Act, 2011”.

5 TITLE III—RELATED AGENCIES

6 ACCESS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the Access Board, as au-
 9 thorized by section 502 of the Rehabilitation Act of 1973,
 10 as amended, \$7,300,000: *Provided*, That, notwithstanding
 11 any other provision of law, there may be credited to this
 12 appropriation funds received for publications and training
 13 expenses.

14 FEDERAL MARITIME COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Federal Maritime
 17 Commission as authorized by section 201(d) of the Mer-
 18 chant Marine Act, 1936, as amended (46 U.S.C. App.
 19 1111), including services as authorized by 5 U.S.C. 3109;
 20 hire of passenger motor vehicles as authorized by 31
 21 U.S.C. 1343(b); and uniforms or allowances therefore, as
 22 authorized by 5 U.S.C. 5901–5902, \$25,300,000: *Pro-*
 23 *vided*, That not to exceed \$2,000 shall be available for offi-
 24 cial reception and representation expenses.

1 NATIONAL RAILROAD PASSENGER CORPORATION
2 OFFICE OF INSPECTOR GENERAL
3 SALARIES AND EXPENSES

4 For necessary expenses of the Office of Inspector
5 General for the National Railroad Passenger Corporation
6 to carry out the provisions of the Inspector General Act
7 of 1978, as amended, \$22,000,000: *Provided*, That the In-
8 spector General shall have all necessary authority, in car-
9 rying out the duties specified in the Inspector General Act,
10 as amended (5 U.S.C. App. 3), to investigate allegations
11 of fraud, including false statements to the government (18
12 U.S.C. 1001), by any person or entity that is subject to
13 regulation by the National Railroad Passenger Corpora-
14 tion: *Provided further*, That the Inspector General may
15 enter into contracts and other arrangements for audits,
16 studies, analyses, and other services with public agencies
17 and with private persons, subject to the applicable laws
18 and regulations that govern the obtaining of such services
19 within the National Railroad Passenger Corporation: *Pro-*
20 *vided further*, That the Inspector General may select, ap-
21 point, and employ such officers and employees as may be
22 necessary for carrying out the functions, powers, and du-
23 ties of the Office of Inspector General, subject to the appli-
24 cable laws and regulations that govern such selections, ap-
25 pointments, and employment within Amtrak: *Provided fur-*

1 *ther*, That concurrent with the President's budget request
2 for fiscal year 2012, the Inspector General shall submit
3 to the House and Senate Committees on Appropriations
4 a budget request for fiscal year 2012 in similar format
5 and substance to those submitted by executive agencies
6 of the Federal Government.

7 NATIONAL TRANSPORTATION SAFETY BOARD

8 SALARIES AND EXPENSES

9 For necessary expenses of the National Transpor-
10 tation Safety Board, including hire of passenger motor ve-
11 hicles and aircraft; services as authorized by 5 U.S.C.
12 3109, but at rates for individuals not to exceed the per
13 diem rate equivalent to the rate for a GS-15; uniforms,
14 or allowances therefor, as authorized by law (5 U.S.C.
15 5901-5902) \$104,232,000, of which not to exceed \$2,000
16 may be used for official reception and representation ex-
17 penses: *Provided*, That the amounts made available to the
18 National Transportation Safety Board in this Act include
19 amounts necessary to make lease payments on an obliga-
20 tion incurred in fiscal year 2001 for a capital lease.

21 NEIGHBORHOOD REINVESTMENT CORPORATION

22 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
23 CORPORATION

24 For payment to the Neighborhood Reinvestment Cor-
25 poration for use in neighborhood reinvestment activities,

1 as authorized by the Neighborhood Reinvestment Corpora-
2 tion Act (42 U.S.C. 8101–8107), \$137,000,000, of which
3 \$5,000,000 shall be for a multi-family rental housing pro-
4 gram: *Provided*, That in addition, \$35,000,000 shall be
5 made available until expended for capital grants to reha-
6 bilitate or finance the rehabilitation of affordable housing
7 units, including necessary administrative expenses: *Pro-*
8 *vided further*, That in addition, \$113,000,000 shall be
9 made available until expended to the Neighborhood Rein-
10 vestment Corporation for mortgage foreclosure mitigation
11 activities, under the following terms and conditions:

12 (1) The Neighborhood Reinvestment Corpora-
13 tion (“NRC”), shall make grants to counseling inter-
14 mediaries approved by the Department of Housing
15 and Urban Development (HUD) (with match to be
16 determined by the NRC based on affordability and
17 the economic conditions of an area; a match also
18 may be waived by the NRC based on the aforemen-
19 tioned conditions) to provide mortgage foreclosure
20 mitigation assistance primarily to States and areas
21 with high rates of defaults and foreclosures to help
22 eliminate the default and foreclosure of mortgages of
23 owner-occupied single-family homes that are at risk
24 of such foreclosure. Other than areas with high rates
25 of defaults and foreclosures, grants may also be pro-

1 vided to approved counseling intermediaries based on
2 a geographic analysis of the Nation by the NRC
3 which determines where there is a prevalence of
4 mortgages that are risky and likely to fail, including
5 any trends for mortgages that are likely to default
6 and face foreclosure. A State Housing Finance
7 Agency may also be eligible where the State Housing
8 Finance Agency meets all the requirements under
9 this paragraph. A HUD-approved counseling inter-
10 mediary shall meet certain mortgage foreclosure
11 mitigation assistance counseling requirements, as de-
12 termined by the NRC, and shall be approved by
13 HUD or the NRC as meeting these requirements.

14 (2) Mortgage foreclosure mitigation assistance
15 shall only be made available to homeowners of
16 owner-occupied homes with mortgages in default or
17 in danger of default. These mortgages shall likely be
18 subject to a foreclosure action and homeowners will
19 be provided such assistance that shall consist of ac-
20 tivities that are likely to prevent foreclosures and re-
21 sult in the long-term affordability of the mortgage
22 retained pursuant to such activity or another posi-
23 tive outcome for the homeowner. No funds made
24 available under this paragraph may be provided di-
25 rectly to lenders or homeowners to discharge out-

1 standing mortgage balances or for any other direct
2 debt reduction payments.

3 (3) The use of Mortgage Foreclosure Mitigation
4 Assistance by approved counseling intermediaries
5 and State Housing Finance Agencies shall involve a
6 reasonable analysis of the borrower's financial situa-
7 tion, an evaluation of the current value of the prop-
8 erty that is subject to the mortgage, counseling re-
9 garding the assumption of the mortgage by another
10 non-Federal party, counseling regarding the possible
11 purchase of the mortgage by a non-Federal third
12 party, counseling and advice of all likely restruc-
13 turing and refinancing strategies or the approval of
14 a work-out strategy by all interested parties.

15 (4) NRC may provide up to 15 percent of the
16 total funds under this paragraph to its own charter
17 members with expertise in foreclosure prevention
18 counseling, subject to a certification by the NRC
19 that the procedures for selection do not consist of
20 any procedures or activities that could be construed
21 as an unacceptable conflict of interest or have the
22 appearance of impropriety.

23 (5) HUD-approved counseling entities and
24 State Housing Finance Agencies receiving funds
25 under this paragraph shall have demonstrated expe-

1 rience in successfully working with financial institu-
2 tions as well as borrowers facing default, delin-
3 quency and foreclosure as well as documented coun-
4 seling capacity, outreach capacity, past successful
5 performance and positive outcomes with documented
6 counseling plans (including post mortgage fore-
7 closure mitigation counseling), loan workout agree-
8 ments and loan modification agreements. NRC may
9 use other criteria to demonstrate capacity in under-
10 served areas.

11 (6) Of the total amount made available under
12 this paragraph, up to \$3,000,000 may be made
13 available to build the mortgage foreclosure and de-
14 fault mitigation counseling capacity of counseling
15 intermediaries through NRC training courses with
16 HUD-approved counseling intermediaries and their
17 partners, except that private financial institutions
18 that participate in NRC training shall pay market
19 rates for such training.

20 (7) Of the total amount made available under
21 this paragraph, up to 5 percent may be used for as-
22 sociated administrative expenses for the NRC to
23 carry out activities provided under this section.

9 UNITED STATES INTERAGENCY COUNCIL ON
10 HOMELESSNESS

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$2,680,000.

•HR 5850 EH

1 TITLE IV

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 401. Such sums as may be necessary for fiscal
4 year 2010 pay raises for programs funded in this Act shall
5 be absorbed within the levels appropriated in this Act or
6 previous appropriations Acts.

7 SEC. 402. None of the funds in this Act shall be used
8 for the planning or execution of any program to pay the
9 expenses of, or otherwise compensate, non-Federal parties
10 intervening in regulatory or adjudicatory proceedings
11 funded in this Act.

12 SEC. 403. None of the funds appropriated in this Act
13 shall remain available for obligation beyond the current
14 fiscal year, nor may any be transferred to other appropria-
15 tions, unless expressly so provided herein.

16 SEC. 404. The expenditure of any appropriation
17 under this Act for any consulting service through procure-
18 ment contract pursuant to section 3109 of title 5, United
19 States Code, shall be limited to those contracts where such
20 expenditures are a matter of public record and available
21 for public inspection, except where otherwise provided
22 under existing law, or under existing Executive order
23 issued pursuant to existing law.

24 SEC. 405. Except as otherwise provided in this Act,
25 none of the funds provided in this Act, provided by pre-

1 vious appropriations Acts to the agencies or entities fund-
2 ed in this Act that remain available for obligation or ex-
3 penditure in fiscal year 2010, or provided from any ac-
4 counts in the Treasury derived by the collection of fees
5 and available to the agencies funded by this Act, shall be
6 available for obligation or expenditure through a re-
7 programming of funds that: (1) creates a new program;
8 (2) eliminates a program, project, or activity; (3) increases
9 funds or personnel for any program, project, or activity
10 for which funds have been denied or restricted by the Con-
11 gress; (4) proposes to use funds directed for a specific ac-
12 tivity by either the House or Senate Committees on Ap-
13 propriations for a different purpose; (5) augments existing
14 programs, projects, or activities in excess of \$5,000,000
15 or 10 percent, whichever is less; (6) reduces existing pro-
16 grams, projects, or activities by \$5,000,000 or 10 percent,
17 whichever is less; or (7) creates, reorganizes, or restruc-
18 tures a branch, division, office, bureau, board, commis-
19 sion, agency, administration, or department different from
20 the budget justifications submitted to the Committees on
21 Appropriations or the table accompanying the explanatory
22 statement accompanying this Act, whichever is more de-
23 tailed, unless prior approval is received from the House
24 and Senate Committees on Appropriations: *Provided*, That
25 not later than 60 days after the date of enactment of this

1 Act, each agency funded by this Act shall submit a report
2 to the Committees on Appropriations of the Senate and
3 of the House of Representatives to establish the baseline
4 for application of reprogramming and transfer authorities
5 for the current fiscal year: *Provided further*, That the re-
6 port shall include: (1) a table for each appropriation with
7 a separate column to display the President's budget re-
8 quest, adjustments made by Congress, adjustments due to
9 enacted rescissions, if appropriate, and the fiscal year en-
10 acted level; (2) a delineation in the table for each appro-
11 priation both by object class and program, project, and
12 activity as detailed in the budget appendix for the respec-
13 tive appropriation; and (3) an identification of items of
14 special congressional interest: *Provided further*, That the
15 amount appropriated or limited for salaries and expenses
16 for an agency shall be reduced by \$100,000 per day for
17 each day after the required date that the report has not
18 been submitted to the Congress.

19 SEC. 406. Except as otherwise specifically provided
20 by law, not to exceed 50 percent of unobligated balances
21 remaining available at the end of fiscal year 2011 from
22 appropriations made available for salaries and expenses
23 for fiscal year 2011 in this Act, shall remain available
24 through September 30, 2012, for each such account for
25 the purposes authorized: *Provided*, That a request shall

1 be submitted to the House and Senate Committees on Ap-
2 propriations for approval prior to the expenditure of such
3 funds: *Provided further*, That these requests shall be made
4 in compliance with reprogramming guidelines under sec-
5 tion 405 of this Act.

6 SEC. 407. All Federal agencies and departments that
7 are funded under this Act shall issue a report to the House
8 and Senate Committees on Appropriations on all sole
9 source contracts by no later than July 30, 2010. Such re-
10 port shall include the contractor, the amount of the con-
11 tract and the rationale for using a sole source contract.

12 SEC. 408. (a) None of the funds made available in
13 this Act may be obligated or expended for any employee
14 training that—

15 (1) does not meet identified needs for knowl-
16 edge, skills, and abilities bearing directly upon the
17 performance of official duties;

18 (2) contains elements likely to induce high lev-
19 els of emotional response or psychological stress in
20 some participants;

21 (3) does not require prior employee notification
22 of the content and methods to be used in the train-
23 ing and written end of course evaluation;

24 (4) contains any methods or content associated
25 with religious or quasi-religious belief systems or

1 “new age” belief systems as defined in Equal Em-
2 ployment Opportunity Commission Notice N-
3 915.022, dated September 2, 1988; or

4 (5) is offensive to, or designed to change, par-
5 ticipants’ personal values or lifestyle outside the
6 workplace.

7 (b) Nothing in this section shall prohibit, restrict, or
8 otherwise preclude an agency from conducting training
9 bearing directly upon the performance of official duties.

10 SEC. 409. No funds in this Act may be used to sup-
11 port any Federal, State, or local projects that seek to use
12 the power of eminent domain, unless eminent domain is
13 employed only for a public use: *Provided*, That for pur-
14 poses of this section, public use shall not be construed to
15 include economic development that primarily benefits pri-
16 vate entities: *Provided further*, That any use of funds for
17 mass transit, railroad, airport, seaport or highway projects
18 as well as utility projects which benefit or serve the gen-
19 eral public (including energy-related, communication-re-
20 lated, water-related and wastewater-related infrastruc-
21 ture), other structures designated for use by the general
22 public or which have other common-carrier or public-util-
23 ity functions that serve the general public and are subject
24 to regulation and oversight by the government, and
25 projects for the removal of an immediate threat to public

1 health and safety or brownfield as defined in the Small
2 Business Liability Relief and Brownfield Revitalization
3 Act (Public Law 107–118) shall be considered a public
4 use for purposes of eminent domain.

5 SEC. 410. None of the funds made available in this
6 Act may be transferred to any department, agency, or in-
7 strumentality of the United States Government, except
8 pursuant to a transfer made by, or transfer authority pro-
9 vided in, this Act or any other appropriations Act.

10 SEC. 411. No part of any appropriation contained in
11 this Act shall be available to pay the salary for any person
12 filling a position, other than a temporary position, for-
13 merly held by an employee who has left to enter the Armed
14 Forces of the United States and has satisfactorily com-
15 pleted his period of active military or naval service, and
16 has within 90 days after his release from such service or
17 from hospitalization continuing after discharge for a pe-
18 riod of not more than 1 year, made application for restora-
19 tion to his former position and has been certified by the
20 Office of Personnel Management as still qualified to per-
21 form the duties of his former position and has not been
22 restored thereto.

23 SEC. 412. No funds appropriated pursuant to this
24 Act may be expended in contravention of sections 2

1 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–
2 10c, popularly known as the “Buy American Act”).

3 SEC. 413. No funds appropriated or otherwise made
4 available under this Act shall be made available to any
5 person or entity that has been convicted of violating the
6 Buy American Act (41 U.S.C. 10a–10c).

7 SEC. 414. None of the funds made available in this
8 Act may be used for first-class airline accommodations in
9 contravention of sections 301–10.122 and 301–10.123 of
10 title 41, Code of Federal Regulations.

11 SEC. 415. None of the funds made available in this
12 Act may be used to purchase a light bulb for an office
13 building unless the light bulb has, to the extent prac-
14 ticable, an Energy Star or Federal Energy Management
15 Program designation.

16 SEC. 416. None of the funds made available under
17 this Act or any prior Act may be provided to the Associa-
18 tion of Community Organizations for Reform Now
19 (ACORN), or any of its affiliates, subsidiaries, or allied
20 organizations.

21 SEC. 417. None of the funds provided in this Act for
22 any program, project, or activity that is considered to be
23 a congressional earmark for purposes of clause 9 of rule
24 XXI of the Rules of the House of Representatives of the
25 111th Congress may be awarded to a for-profit entity.

1 SEC. 418. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network blocks the viewing,
4 downloading, and exchanging of pornography.

5 (b) Nothing in subsection (a) shall limit the use of
6 funds necessary for any Federal, State, tribal, or local law
7 enforcement agency or any other entity carrying out crimi-
8 nal investigations, prosecution, or adjudication activities.

9 SEC. 419. (a) None of the funds appropriated or oth-
10 erwise made available by this Act may be obligated by any
11 covered executive agency in contravention of the certifi-
12 cation requirement of section 6(b) of the Iran Sanctions
13 Act of 1996, as included in the revisions to the Federal
14 Acquisition Regulation pursuant to such section.

15 SEC. 420. (a) LIMITATION ON USE OF FUNDS.—
16 None of the funds provided in this Act may be used for
17 doctoral dissertation research grants on housing and
18 urban development issues.

19 (b) CORRESPONDING REDUCTION IN FUNDS.—The
20 amount otherwise provided by this Act for “Department
21 of Housing and Urban Development—Policy Development
22 and Research—Research and Technology” is hereby re-
23 duced by \$300,000.

24 SEC. 421. None of the funds made available in this
25 Act under the heading “Department of Housing and

1 Urban Development—Management and Administration—
2 Executive Direction” may be used by the Secretary of
3 Housing and Urban Development for travel expenses.

4 SEC. 422. None of the funds appropriated or other-
5 wise made available under this Act may be used to imple-
6 ment section 124 except as authorized by law after the
7 date of enactment of this Act.

8 SEC. 423. None of the funds made available in this
9 Act may be used to establish, issue, implement, admin-
10 ister, or enforce any prohibition or restriction on the es-
11 tablishment or effectiveness of any occupancy preference
12 for veterans in supportive housing for the elderly that: (1)
13 is provided assistance by the Department of Housing and
14 Urban Development; and (2)(A) is or would be located on
15 property of the Department of Veterans Affairs, or (B)
16 is subject to an enhanced use lease with the Department
17 of Veterans Affairs.

18 This Act may be cited as the “Transportation, Hous-
19 ing and Urban Development, and Related Agencies Appro-
20 priations Act, 2011”.

Passed the House of Representatives July 29, 2010.

Attest:

Clerk.

11TH CONGRESS
2D Session

H. R. 5850

AN ACT

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.